

# Items for Consideration of Council

Schedule of Outstanding Resolutions	11
Items Deferred	21
1a. ORIGIN: Subdivision Unit	21
<b>Clearing and Building Works within Lot 3 DP 865049 (Lenen Pty Ltd) and Lot 500 DP 727420 (Crown Land) - Kings Beach</b>	<b>21</b>
15. ORIGIN: Planning & Design Unit	27
<b>Traffic Impacts of Cobaki Lakes Development on the Distributor Road Network</b>	<b>27</b>
Reports from Director Development Services	35
1. ORIGIN: Strategic Town Planning Unit	41
<b>Kings Beach (North) Development Control Plan and Section 94 Contributions Plan.</b>	<b>41</b>
2. ORIGIN: Development Control Unit	45
<b>Proposed Detached Dual Occupancy at Lot 17 Section 18 DP 28390 Lakeview Parade, Tweed Heads South</b>	<b>45</b>
3. ORIGIN: Subdivision Unit	58
<b>Kings Beach Development - Stage 1 - Draft Linen Plan of Subdivision - Development Consent S96/135 Issued by the Land and Environment Court</b>	<b>58</b>
4. ORIGIN: Director	62
<b>Service Level Improvements - Development Assessment</b>	<b>62</b>
5. ORIGIN: Subdivision Unit	70
<b>Modification of Development Consent S93/76 - Lot 1 and 2 DP 828298 Crescent Street, Cudgen - Cudgen Heights Estate Stage 3</b>	<b>70</b>
6. ORIGIN: Strategic Town Planning Unit	87
<b>Draft Tweed Local Environmental Plan 1987 - Amendment No 105 (Banora Point Deviation).</b>	<b>87</b>

## Items for Consideration of Council

7. ORIGIN: Development Control Unit	89
<b>Proposal to Increase the Output at the CSR Readymix Quarry at Lot 1 DP 792256 Terranora Road, Terranora</b>	<b>89</b>
8. ORIGIN: Development Control Unit	106
<b>Proposed Managers Residence and Pro Golf Shop at Lot 1 DP 874316 Piggabeen Road, Cobaki</b>	<b>106</b>
9. ORIGIN: Strategic Town Planning Unit	109
<b>Bilambil Heights Release Area/Provision of Tweed Shire 2000 Plus Strategic Plan</b>	<b>109</b>
10. ORIGIN: Subdivision Unit	113
<b>Proposed Two (2) Lot Subdivision at Lot 3 DP 828298 Chinderah Road, Cudgen</b>	<b>113</b>
11. ORIGIN: Development Control Unit	122
<b>Proposed Model Aircraft Flying Club - Round Mountain Road, Round Mountain</b>	<b>122</b>
12. ORIGIN: Development Control Unit	132
<b>Proposed Erection of a Detached Dual Occupancy at Lot 319 DP 853944 Federation Drive, Terranora</b>	<b>132</b>
12a. ORIGIN: Subdivision Unit	151
<b>Kings Beach Development: Stage 1 - Draft Dune Management Plan and Lot 500 Management Plan</b>	<b>151</b>
Reports from Director Corporate Services	161
13. ORIGIN: Administration Services Unit	161
<b>National Rural Roads Congress - 6 to 8 March 2000</b>	<b>161</b>
14. ORIGIN: Director	163
<b>Daylight Saving</b>	<b>163</b>
15. ORIGIN: Administration Services Unit	167
<b>NSW Local Government Workshop Series</b>	<b>167</b>
16. ORIGIN: Director	172
<b>Local Government Remuneration Tribunal - Submission</b>	<b>172</b>
17. ORIGIN: Administration Services Unit	176
<b>Shires Association of NSW "A" Division Conference</b>	<b>176</b>

## Items for Consideration of Council

18. ORIGIN: Director	178
<b>Coolangatta Airport - Common User Terminal Development</b>	<b>178</b>
19. ORIGIN: Administration Services Unit	182
<b>Council Elections - 11 September 1999</b>	<b>182</b>
20. ORIGIN: Financial Services Unit	184
<b>Monthly Investment Report for Period Ending 31 December 1999</b>	<b>184</b>
20a. ORIGIN: Business Undertakings Unit	188
<b>Kennedy Drive Traffic Capacity - Piggabeen Sports Complex Subdivision</b>	<b>188</b>
Reports from Director Engineering Services	191
21. ORIGIN: Water Unit	191
<b>Tyalgum Water Supply</b>	<b>191</b>
22. ORIGIN: Water Unit	193
<b>9th Annual NSW Coastal Conference</b>	<b>193</b>
23. ORIGIN: Water Unit	199
<b>Tweed Coast Estuaries Management Plan - Financial Assistance</b>	<b>199</b>
24. ORIGIN: Works Unit	202
<b>Naming of Bridge - Doon Doon Road</b>	<b>202</b>
25. ORIGIN: Water Unit	206
<b>Chinderah Foreshore Erosion</b>	<b>206</b>
26. ORIGIN: Planning & Design Unit	210
<b>Murwillumbah Main Streets Program Progress Report</b>	<b>210</b>
27. ORIGIN: Water Unit	218
<b>Northern Rivers Catchment Management</b>	<b>218</b>
28. ORIGIN: Works Unit	224
<b>Supply &amp; Delivery of Road Sweeper - EC99113 - Precis of Confidential Item</b>	<b>224</b>
29. ORIGIN: Water Unit	226
<b>Floodplain Management Program - Voluntary Purchase 1999/2000 - Precis of Confidential Item</b>	<b>226</b>

## Items for Consideration of Council

30. ORIGIN: Works Unit	228
<b>Tender EC99120 Supply &amp; Delivery of One Grader with Trade-in of Komatsu GD 525 Grader - Precis of Confidential Item</b>	<b>228</b>
31. ORIGIN: Water Unit	230
<b>Lot 2 DP 877100 Lone Pine Road, Doon Doon -- Electricity Supply - Precis of Confidential Item</b>	<b>230</b>
32. ORIGIN: Water Unit	232
<b>Trade Waste Effluent - Hastings Point Sewage Treatment Plant - Precis of Confidential Item</b>	<b>232</b>
33. ORIGIN: Water Unit	234
<b>1999/2000 Street Lighting Program</b>	<b>234</b>
Reports from Director Environment & Community Services	239
34. ORIGIN: Environment & Health Services Unit	239
<b>Tweed Heads Cemetery</b>	<b>239</b>
35. ORIGIN: Recreation Services Unit	241
<b>Australian Sports Medal</b>	<b>241</b>
36. ORIGIN: Director	245
<b>Proposed Community Health Centre - Kingscliff</b>	<b>245</b>
37. ORIGIN: Environment & Health Services Unit	247
<b>Proposed New Art Gallery Site</b>	<b>247</b>
38. ORIGIN: Environment & Health Services Unit	251
<b>Tweed Heads Pool Complex</b>	<b>251</b>
39. ORIGIN: Director	253
<b>Membership of Australian Mayoral Aviation Council</b>	<b>253</b>
40. ORIGIN: Recreation Services Unit	259
<b>Amendments to Contribution Plan No 1 Structural Open Space</b>	<b>259</b>
41. ORIGIN: General Manager	265
<b>Single Coastal Reserve</b>	<b>265</b>

## Items for Consideration of Council

42. ORIGIN: Environment & Health Services Unit	270
<b>Air Navigation (Coolangatta Airport Curfew) Regulation 1999</b>	<b>270</b>
Reports from Sub-Committees	273
1. Minutes of the Aboriginal Advisory Committee Meeting held 25 October 1999	273
2. Minutes of the Local Traffic Committee Meeting held 16 December 1999	276
3. Minutes of the Communications Committee Meeting Held 16 December 1999	288
MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION	292
4. Minutes of Coolangatta Airport Noise Abatement Consultative (ANACC) Meeting held 4 November 1999	292
5. Minutes of the Tweed Shire Council Access Committee Meeting held 18 November 1999	292
6. Minutes of the Strategic Planning Committee Meeting held Monday 13 December 1999	292
7. Minutes of the Community Advisory Committee Meeting held 16 December 1999	292
8. Minutes of the Murwillumbah Centre Design Committee Special Meeting held Thursday 16 December 1999	292
9. Minutes of Water & Wastewater Infrastructure Steering Committee Meeting held 23 December 1999	292
9a. Minutes of Water and Wastewater Infrastructure Steering Committee Meeting and Kingscliff Wastewater Augmentation	292
Orders of the Day	293
1. Notice of Motion - Cr Marshall	293
<b>Councillor Blazers and Name Badges</b>	<b>293</b>
2. Notice of Motion - Cr Marshall	293
<b>Multicap Facility - Murwillumbah</b>	<b>293</b>

# Items for Consideration of Council

## CONFIDENTIAL

Items Deferred in Committee	7
1. ORIGIN: Development Control Unit	7
<b>Unauthorised Filling at Lot 1 DP 779976 Gray Street, Tweed Heads</b>	
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	
2. ORIGIN: Development Control Unit	11
<b>Unauthorised Use of Land as a Depot at Lot 4 DP 260418 Urliup Road, Bilambil</b>	
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (a) personnel matters concerning particular individuals</i>	
Reports from Director Development Services in Committee	15
1. ORIGIN: Development Control Unit	15
<b>Payment of Rural Road Development Contribution - Woodhelvin Pty Ltd</b>	
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	
2. ORIGIN: Development Control Unit	17
<b>Unauthorised Use of Land as a Depot at Lot 4 DP 260418 Urliup Road, Bilambil</b>	
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	
3. ORIGIN: Development Control Unit	21
<b>Unauthorised Filling at Lot 1 DP 779976 Gray Street, Tweed Heads</b>	
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	
4. ORIGIN: Development Control Unit	25
<b>CSR Quarry - Terranora</b>	
<i>Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege</i>	

## Items for Consideration of Council

Reports from Director Corporate Services in Committee 29

5. ORIGIN: Financial Services Unit 29

### **Payment of Council Rates and Water Accounts at Australia Post Office - "Postbillpay"**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret*

6. ORIGIN: Business Undertakings Unit 33

### **Proposed Lease of Murwillumbah Saleyards to Private Operators**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret*

7. ORIGIN: General Manager 35

### **Council Newspaper - Tweed Link**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret*

8. ORIGIN: Financial Services Unit 41

### **Overdue Rates - Pamela Beecheno (Love) - Assessment No 1.9330/5**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (b) the personal hardship of any resident or ratepayer*

9. ORIGIN: General Manager 45

### **Notice of Motion - Cr Carroll**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (a) personnel matters concerning particular individuals*

Reports from Director Engineering Services in Committee 51

10. ORIGIN: Works Unit 51

### **Supply and Delivery of Road Sweeper - EC99113**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the*

## Items for Consideration of Council

*person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret*

11. ORIGIN: Water Unit 55

### **Floodplain Management Program - Voluntary Purchase 1999/2000**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*

12. ORIGIN: Works Unit 57

### **Tender EC99120 Supply & Delivery of One Grader with Trade-in of Komatsu GD 525 Grader**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret*

13. ORIGIN: Water Unit 61

### **Lot 2 DP 877100 Lone Pine Road Doon Doon - Electricity Supply**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (a) personnel matters concerning particular individuals*

14. ORIGIN: Water Unit 65

### **Trade Waste Effluent - Hastings Point Sewage Treatment Plant**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (d) commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret*

- Reports from Director Environment & Community Services in Committee 67

15. ORIGIN: Environment & Health Services Unit 67

### **Proposed Use of Council Building for Permanent Function Licence - Cabarita Beach Surf Life Saving Club**

*Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.*



# Schedule of Outstanding Resolutions

## 18 FEBRUARY 1998

### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 30. Issue of Section 149 Certificates - Banora Point/Tweed Heads South

GA8/2/3 Pt5 900 116 104

1572

Cr Graham

Cr Nowland

**RESOLVED** that this item be deferred pending the receipt of the new ANEF contour lines from Air Services Australia.

**Current Status:** Awaiting receipt of new ANEF contour lines from GCAL.

Letter sent to Air Services on 26/11/99 asking for new contours for new flight paths. Response from Air Services 2/12/99 that this has been referred to their Environmental Branch. They have now advised that GCAL is responsible for new ANEF plans. Letter sent GCAL requesting prompt attention.

## 17 FEBRUARY 1999

### ORDERS OF THE DAY

#### 1. Notice of Motion - Cr Cooper

Norries Headland

PF1180/9011 Pt2 534 613

880

Cr Cooper

Cr Nowland

**RESOLVED** that :-

1. The Director Environment & Community Services develops a plan for an increase in day use of beachside park land and car parking at Norries Head.
2. A joint meeting of the Cabarita Beach-Bogangar Residents Association and the Village Improvement Committee be held as part of this planning process and this meeting be advertised in the Tweed Link.

## Schedule of Outstanding Resolutions

**Current Status:** Draft Plan prepared. Public meeting arranged for 17 January 2000.

### 7 JULY 1999

#### REPORTS FROM DIRECTOR CORPORATE SERVICES

**19. Tweed Shire Council Lease from St George Building Society**

**PF4040/160**

1355

Cr Polglase

Cr Graham

**RESOLVED** that a report be brought forward detailing the names of the sub-lessees and the amounts they will pay.

**Current Status:** Awaiting receipt of the sub-leases.

### 1 SEPTEMBER 1999

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

**6. Draft Tweed Local Environmental Plan 1988: Permissibility of Educational Establishments in Rural 1(a) Zone**

**GT1/LEP/1998 Pt4**

543

Cr Nowland

Cr Fraser

**RESOLVED** that this item be deferred for a workshop to be held regarding this matter.

**Current Status:** Workshop to be arranged.

## Schedule of Outstanding Resolutions

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**22 SEPTEMBER 1999**

**MINUTES OF SUB-COMMITTEES**

3. Minutes of the Community Advisory Committee Meeting held 1 August 1999

**GC7/6 Pt3**

6. Needle Disposable Bins In Toilets

**GC7/6 Pt3**

**651**

**Cr Boyd**

**Cr Luff**

**RESOLVED** the Director Environment and Community Services investigates the installation of needle disposal units in all public toilets and reports back to Council.

**Current Status:** Report being prepared for February meeting.

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**20 OCTOBER 1999**

**REPORTS FROM DIRECTOR CORPORATE SERVICES**

12. Use of Land - Mt Nullum

**GL2/4 Pt3**

**819**

**Cr Boyd**

**Cr Luff**

**RESOLVED** that a Council inspection of the Mt Nullum site be held at an appropriate time.

**Current Status:** Inspection to be organised

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## Schedule of Outstanding Resolutions

### REPORTS FROM SUB-COMMITTEES

3. Minutes of the Aboriginal Advisory Committee Meeting held 27 September 1999
12. Tweed Shire Council/Aboriginal Community Meeting

GA10/5

841

Cr Boyd

Cr Carroll

**RESOLVED** that a suitable date be scheduled for Councillors to visit the Minjungbal Museum and surrounds and meet with members of the Aboriginal Community.

**Current Status:** To be finalised.

### 3 NOVEMBER 1999

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

1. Development Consent K98/572 - Proposed Aged Care Complex at Lot 35 and 47 DP 881261 Botanical Circuit and Ballymore Court, Flame Tree Park Estate, Tweed Heads South

DA0659/50 Pt1

863

Cr Boyd

Cr Carroll

**RESOLVED** that Council officers bring forward a comprehensive report which will indicate the quantum of contributions foregone, over the last five (5) years, if the Minister rejects Council's submission.

**Current Status:** Awaiting Minister's advice.

### 17 NOVEMBER 1999

#### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

3. Proposed Retirement Village - 'Old Egg and I Site' - Minjungbal Drive, Tweed Heads South

DA4030/2835 Pt1

943

Cr Polglase

## Schedule of Outstanding Resolutions

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- Cr Marshall**      **RESOLVED** that :-
1. Council seeks to negotiate the payment of Section 94 contributions as are applicable as determined by the Director of Development Services with the applicant;
  2. Where a satisfactory agreement has not been achieved within one (1) month of the date of notification of this resolution, a request be forwarded to the Minister for Urban Affairs and Planning that the Minister waive the Section 94A Direction in respect to this development.

**Current Status:** Section 94 Contributions have been negotiated to agreement - classification on staging being addressed. Other DA issues remain outstanding.

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### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

- 23. Request to Waive Hire Fee - Tweed Heads Civic Centre Auditorium  
Civic Centre - Tweed Heads - Hire**

**968**

**Cr Polglase**

**Cr Luff**

**RESOLVED** that:

1. A report be prepared on the use of the Civic Centres with regard to the organisations using the Centres for free and income Council has forgone.
2. Realistic, commercial rentals be calculated for the facilities.

**Current Status:** To be finalised.

---

## 1 DECEMBER 1999

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 3. Continuation and Expansion of Existing Quarry at Lot 12 DP 601427, Lot 26 DP 615931 and Lot 1 DP 34555 Eviron Road, Eviron**

**PF1960/540 Pt2**

**992**

**Cr Brinsmead**

**Cr Marshall**

**RESOLVED** that Council Officers prepare a Plan of Traffic Management for the potential quarry use of Duranbah Road and Eviron Road.

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## Schedule of Outstanding Resolutions

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**Current Status:** Report being prepared. Anticipated ready for February meeting.

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### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 21. Sportsfields in Terranora Village/Area E Location

**Active Recreation**

**1018**

**Cr Boyd**

**Cr Youngblutt** **RESOLVED** that Council officers pursue urgently the matter of the development of the active sports fields required under the Terranora Village approval.

**Current Status:** Negotiations initiated.

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## 15 DECEMBER 1999

### ITEMS DEFERRED

#### 17. Point Danger Signage (Cook's Point Danger)

**Geographical Names Board**

**1051**

**Cr Boyd**

**Cr Marshall** **RESOLVED** that this item be deferred to the Council meeting of 19 January 2000.

**Current Status:** Report being prepared for February.

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### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

4. **Development Application K99/1682 - Proposed 8 Lot Subdivision of Lot 117 DP 879797 Darlington Drive/Winders Place, Banora Point (Surrounding Lake Kimberley) Bradshaw Developments Pty Ltd DA5937/740 Pt1 & GT1/DCP/3 Pt8**

**1055**

**Cr Polglase**

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## Schedule of Outstanding Resolutions

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**Cr Youngblutt** **RESOLVED** that:-

1. This item be deferred.
2. Council appoints a panel to be party to negotiations with the Bradshaw Group.
3. The panel to consist of two councillors and council officers.
4. A report be prepared for Council consideration.

**Current Status:** To be initiated in the near future.

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### REPORTS FROM DIRECTOR CORPORATE SERVICES

#### 8. Sponsorship for 51st Annual Winter Bowls Carnival 2000

**Donations**

**1066**

**Cr Marshall**

**Cr Youngblutt** **RESOLVED** that this donation be deferred and dealt with in February, in accordance with Council's Policy.

**Current Status:** To be dealt with in February.

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### REPORTS FROM DIRECTOR ENVIRONMENT & COMMUNITY SERVICES

#### 20. Grant - Proposed New Art Gallery

**Cultural Development**

**1080**

**Cr Boyd**

**Cr Carroll**

**RESOLVED** that Council:-

1. Affirms support for the new art gallery.
2. Advises of its acceptance of the grant of \$100,000.
3. Forms a Subcommittee of four (4) Councillors, the General Manager, Director Environment & Community Services, Manager Environment and Health Services, Art Gallery Director and one (1) representative from the Art Gallery Advisory Committee and the Friends of the Gallery and two (2) representatives of the New Art Gallery Fundraising Committee to explore funding options.
4. Reports back to Council by first meeting in March.

**Current Status:** Meeting arranged for early February.

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# Schedule of Outstanding Resolutions

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# Schedule of Outstanding Resolutions

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# Items Deferred

## ITEM DEFERRED FROM MEETING 15 DECEMBER 1999

### REPORTS FROM DIRECTOR DEVELOPMENT SERVICES

- 1a. *Clearing and Building Works within Lot 3 DP 865049 (Lenen Pty Ltd) and Lot 500 DP 727420 (Crown Land) - Kings Beach*

*DA1180/668 Pt2*

1065

*Cr Polglase*

*Cr Davidson* **RESOLVED** that this item be deferred to the Council meeting of 19 January 2000.

1a. **ORIGIN:** Subdivision Unit

**FILE REF:** DA1180/668 Pt3

**REPORT TITLE:**

**Clearing and Building Works within Lot 3 DP 865049 (Lenen Pty Ltd) and Lot 500 DP 727420 (Crown Land) - Kings Beach**

**SUMMARY OF REPORT:**

**Confidential Nature of This Item: The Local Government Act 1993 Clause 10A(2) (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege**

Following receipt of a complaint Council officers carried out an inspection of the subject land on 25 November, 1999. That inspection revealed that vegetation has been cleared and a concrete slab constructed on the subject land.

**RECOMMENDATION:**

That Lenen Pty Ltd and Consolidated Properties Pty Ltd:-

- A. Be required to remove the concrete slab within 21 days of the date of notification, failing which Council will commence proceedings in the Land and Environment Court seeking orders for demolition of the structure and costs.

## Items Deferred

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- B. Be required to rehabilitate the cleared area within the land owned by Lenen and the Crown Land within 6 weeks of the date of notification, in accordance with the Dune Management Plan and Lot 500 Management Plan required by conditions 35 and 49 of the Stage 1 consent S96/135 issued by the Land and Environment Court. Those plans shall include specific provisions for rehabilitation of the cleared areas and shall not include removal of Bitou bush by means which will disturb adjacent native vegetation. Failure to comply with this requirement will result in Council commencing legal proceedings in the Land and Environment Court seeking orders for rehabilitation of the land and costs.

## Items Deferred

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### REPORT:

Following receipt of a complaint Council officers carried out an inspection of the subject land on 25 November, 1999. That inspection revealed that vegetation has been cleared and a concrete slab constructed on the subject land.

Subsequently, correspondence was forwarded to the owner of the land, Lenen Pty Ltd and the purchasers of the land, Consolidated Properties Pty Ltd on 1 December, 1999 in the following terms:-

*“Following receipt of a complaint Council officers carried out an inspection of the subject land on 25 November 1999. That inspection revealed that vegetation has been cleared and a concrete slab constructed on the subject land.*

*No records can be found for any application or approval for this work and accordingly you are requested to:*

- 1. Advice Council of the purpose of the clearing and concrete slab construction.*
- 2. Provide a copy of any consent or approval that you have for the work.*

*As purchaser of Lot 3 DP 865049 you are also requested to ensure that no further clearing or construction is undertaken until the matter is clarified.*

*The clearing appears to extend onto land owned by the Crown (Lot 500 DP 727420) and accordingly the Department of Land and Water Conservation have also been advised.*

*To allow this matter to be reported to Council promptly, your written response within 21 days of the date of this letter is also requested.*

*A letter has also been forwarded to Lenen seeking similar information and advice.”*

On 8 December, 1999, Consolidated Properties responded to Council’s letter of 1 December, 1999 and a copy of their letter is attached together with a copy of their previous letter dated 1 December, 1999 and accompanying Dune Rehabilitation Demonstration Plan.

On 7 December, 1999 Lenen responded to Council’s letter and a copy of their letter is attached.

In relation to those works on Lot 500 (Crown Land) the Department of Land and Water Conservation have provided the following comments in their letter dated 10 December, 1999:-

*“In reference to Council’s correspondence concerning alleged unauthorised clearing of vegetation from Crown land (Lot 500).*

*The site was inspected by Mr Bruce Hungerford, Catchment Manager, Tweed on Wednesday 8 December 1999. The Department considers any unauthorised clearing of Crown land to be a serious matter. It is an offence under Section 155(1)(e) for a person to “clear, dig up or cultivate public land” without lawful authority. The Department of Land*

## Items Deferred

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*and Water Conservation advises that it has not issued any consent, approval or authority that would permit clearing of vegetation from Lot 500.*

*Penalties for offences under this Section of the Crown Lands Act, 1989 are minimal. Although it appears that a considerable area of Crown land has been cleared, the Department would strongly support Council in any action that it should decide to take under the Environmental Planning and Assessment Act, 1979 for a breach of conditions of Development Consent S96/135.*

*In conclusion, the Department would support Council not releasing the linen plan until a comprehensive Dune Management Plan that meets the DLWC's requirements has been submitted and that, if possible, the matters relating to the alleged clearing have been satisfactorily resolved.*

*Should you require any further information on these matters, please contact either Mr Bruce Hungerford or Mr David McPherson."*

### Comments

It would appear that part of the clearing within the land owned by Lenen is on land zoned 2(e) Residential (Tourist) zone and the land use table for that zone provides that "beach maintenance" and "home occupations" may be carried out without development consent. Beach maintenance is defined in the plan as:-

*"means restoration works carried out to aide in the stabilisation of the beach area."*

Based on the submission from Consolidated Properties dated 8 December, 1999 it is apparent that the clearing was carried out for the purposes of the future residential and tourist development of the land and as those uses require consent in the 2(e) zone it is considered that clearing for those purposes also requires development consent.

It should also be noted that Council's Tree Preservation Order applies to that part of the land zoned 2(e) and the Order prohibits the ringbarking, topping, lopping, removing, poisoning, injuring or wilful destruction of trees of 30cm or more girth (circumference) measured at 45cm above ground, 3m or more in height or any other tree or trees as specified in the schedule to this Order.

The Order does not apply to clearing within the path of proposed road ways, sewerage or drainage schemes or any public work that has been approved by Council.

It is difficult to determine whether all those trees removed come within the criteria referred to in the Order however, it would appear that at least some species referred to in the Order have been removed. The Acting Manager of Recreation Services has provided the following advice on the clearing:-

*"A strip of land approximately 70m x 20m has been totally cleared of all vegetation and the structure of the dune has been altered.*

## Items Deferred

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*Species list of Vegetation that was identifiable.*

*Accacia longifolia var Sophorae*

*Casuarina equisetifolia*

*Leptospermum laevigatum*

*Banksia integrifolia*

*Spinifex sericeus*

*carpobrotus glaucescens*

*chrysanthemoides monilifera (bitou bush)*".

Insofar as the clearing within that part of the land owned by both Lenen and the Crown which is zoned 7(f) Environmental Protection (Coastal Lands) is concerned the land use table for that zone provides that "beach maintenance" and "home occupations" may be carried out without development consent. A number of uses are permissible with consent including environmental facilities which are defined as follows:-

*"environmental facility means a structure or work which provides for:-*

- a. nature study or display facilities such as walking, boardwalk, observation decks, bird hides or the like; or*
- b. environmental management and restoration facilities such as bush restoration, swamp restoration, erosion and runoff prevention works, dunal restoration or the like".*

On the assumption that the works carried out comes within the definition of "environmental facilities", development consent would have been required for the clearing work within the 7(f) zone.

Construction of the small concrete slab will also require development consent in the 2(e) zone on the basis that it was being constructed for the purposes of a dwelling house and/or tourist activities however, if the slab extends into the 7(f) zone it may well be a prohibited use unless it is defined as an "environmental facility".

### **OPTIONS**

The following options appear to be open to Council:-

1. Commence proceedings in the Land and Environment Court to remedy a breach of the Environmental Planning and Assessment Act, 1979 in that Development Consent was not first obtained for the clearing works and construction of the slab. It would be normal practice to seek orders from the Court directing the owner and Consolidated Properties to rehabilitate the disturbed area in accordance with rehabilitation plan and remove the concrete slab.
2. Agree to establish an Advisory Committee as proposed by Consolidated Properties to assist in finalising the Dune Rehabilitation Demonstration Plan submitted by Consolidated Properties on 1 December, 1999 subject to any necessary amendments.

## Items Deferred

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### CONCLUSION

The objective is to achieve rehabilitation of the cleared areas promptly and removal of the concrete slab and if those objectives can be achieved without recourse to litigation then that is the most desirable approach. However, the Dune Rehabilitation Demonstration Plan submitted by Consolidated Properties on 1 December, 1999 again proposes the clearing of existing Bitou bush adjacent to the frontal dune by shallow ripping. This approach is also proposed in the Dune Management Plan submitted on behalf of Lenen Pty Ltd by Cardno MBK as required by the Stage 1 development consent issued by the Land and Environment Court for Kings Beach. This is considered to be an inappropriate means of clearing Bitou bush because it will inevitably involve significant disturbance of other native vegetation and in addition the Department of Land and Water Conservation do not agree to this approach particularly in respect of the land owned by the Crown (Lot 500).

Rehabilitation of the cleared area would be best achieved in conjunction with the Dune Management Plan required by condition 35 of the Stage 1 consent issued by the Court which should include appropriate mechanisms for the timing of the rehabilitation, monitoring and maintenance. This integrated approach will ensure that there is no inconsistency between the Dune Management Plan and any rehabilitation which Council may require in respect of the cleared areas.

Removal of the concrete slab should be sought in any event as it is not authorised and it is not clear how a small slab will effectively stop sand shifting given that the cleared area is much wider than the slab itself.

In conclusion, it is therefore considered that providing Consolidated Properties and Lenen submit an adequate Dune Management Plan as required by conditions 35 and 49 of the Stage 1 consent issued by the Land and Environment Court and providing that Plan includes adequate provisions to rehabilitate the disturbed area within, say, 6 weeks from the date of notification, there should be no need for recourse to the Land and Environment Court.

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## Items Deferred

### REPORTS FROM DIRECTOR ENGINEERING SERVICES

15. *Traffic Impacts of Cobaki Lakes Development on the Distributor Road Network*

GB2/21

1075

Cr Polglase

Cr Marshall     **RESOLVED** that this item be deferred.

**COMMENT:** *Recommending further deferment pending a Workshop to be held in February.*

15. **ORIGIN:** Planning & Design Unit

**FILE REF:**     GB3/21 & GT1/23/4

**REPORT TITLE:**

**Traffic Impacts of Cobaki Lakes Development on the Distributor Road Network**

**SUMMARY OF REPORT:**

This Report discusses the implications of constructing the Cobaki Parkway from roundabout No. 4 shown in Figure 1 to Piggabeen Road before the completion of the proposed Tugun Bypass. These implications include a risk that Council will need to fund upgrading of Boyd Street, Tugun to four lanes and further deterioration in the operating conditions on Kennedy Drive. The Report also reinforces the importance of the Cobaki Parkway to the Tweed Shire road network and future development within the Tweed Heads and Bilambil areas.

**RECOMMENDATION:**

That Council:-

1. Endorses the connection of Cobaki Parkway to Piggabeen Road, but not until the Tugun Bypass is constructed.
2. Requires the 'bonding' of the connection of the Cobaki Parkway between Piggabeen Road and roundabout No. 4 (Sandridge roundabout) on any future subdivision approvals for Cobaki Lakes, which issue prior to opening of the interchange with the Tugun Bypass.
3. Pursues with the applicant appropriate Section 96 amendments to the two previous consents for Cobaki Lakes, which reflect the above resolutions.

## Items Deferred

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4. Subject to satisfactory resolution of 3 of this resolution makes appropriate amendments to DCP17 - Cobaki Lakes to reflect the outcome of this report.

## Items Deferred

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### REPORT:

The Cobaki Lakes project is a major urban development that is proposed to be constructed over several years. Approvals have already been issued for 1,173 lots. A new application for a further 560 lots is before Council. Because this current application seeks to remove the connection between the development and the Tweed Shire road network in the short term (with substantial reduction in associated development charges) it cannot be satisfactorily determined until Council's position regarding the connection of Cobaki Parkway and Piggabeen Road is decided.

The applicant argues that the distributor road network should be amended to delete the connection of the Cobaki Parkway to Piggabeen Road.

The Consultants' report is summarised as follows:

'The Report states that the distribution of traffic from Cobaki Lakes will be very dependent upon whether the Cobaki Parkway connection is made, or not, to Piggabeen Road.

The conclusions of the report is that without Cobaki Parkway connected to the wider Tweed Shire road network, development in Cobaki Lakes will have no impact on roads at Tweed Heads West which currently exhibits limited and constrained capacity conditions.

The report by Veitch Lister Consulting Pty Ltd also states that the impact of attracting NSW generated traffic on to Boyd Street at the Queensland border by connecting the Cobaki Parkway to Tweed Shire, is offset by a similar reduction in daily traffic from Cobaki Lakes that would head south and east into Tweed if the connection was made. Development in Cobaki Lakes up to and including existing approvals together with this proposal appears to generate a lower (15% lower) level of traffic on Boyd Street than that created by 3,500 lots being developed in Cobaki Lakes with the Cobaki Parkway connected to Tweed shire. This development up to and including the proposal can therefore be accommodated in the Gold Coast Highway and Boyd Street.

The implications of full development on internal roads has been assessed taking into consideration whether or not Cobaki Parkway is connected to Piggabeen Road. With no Cobaki Parkway connection to Piggabeen Road there is little absolute difference between the daily traffic volumes in the network, except on the Cobaki Parkway leading to Queensland. With a Cobaki Parkway connection to Piggabeen Road the implication is for a change in the distribution of travel associated with Cobaki Lakes together with diverted traffic from Tweed attracted to the Cobaki Parkway corridor. As expected it is likely to reduce flows over much of Sandy Lane over that experienced with no Cobaki Parkway connection. The most significant implication is for Cobaki Parkway which may have to be able to be constructed to 4 lanes over the entire length of the site, depending on development plans for Bilambil.

## Items Deferred

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The traffic report indicates that with no Cobaki Parkway Connection to Tweed it would be expected that Cobaki Lakes would no longer be contributing to road capacity in the Shire. Accordingly, the contribution to the Section 94 Plan, Tweed Road Contribution Plan No. 4 could be significantly lower than that identified in the current scheme. The report suggests that the contribution be reduced to less than 20%.

This argument should be rejected as the Cobaki Parkway connection to Piggabeen Road and its eventual extension to Bilambil Heights is an integral component of the Tweed Shire Distributor Road Network. Whilst it is acknowledged that the deletion of this link would benefit the developer financially, the connection is of significant benefit to the wider Tweed community including business and industry as well as residential developments. This link is critical to Tweed Shire given the uncertainty of the Lakes Drive Bridge.

The only aspect of the Cobaki Parkway that should be further considered is the actual timing of the construction of the connection to Piggabeen Road.

Currently the developer has a condition of consent in DA Consent S97/54 which requires construction of the Cobaki Parkway from Piggabeen Road to Roundabout No. 4 on the Cobaki Parkway and reads as follows:

*“Prior to release of any linen plan of subdivision of Parcels 7 to 10 creating individual residential allotments, the “Cobaki Parkway” and Cobaki Bridge” from Piggabeen Road to Roundabout No. 4 (Sandridge Roundabout) shall be constructed to the satisfaction of the Director of Engineering Services.*

*The applicant shall be responsible for obtaining any necessary approvals for the construction of “Cobaki Parkway” from Cobaki Bridge to Roundabout No. 4. Compliance with this condition will not be required until a total of 730 lots approved under Consent S94/197 and this consent have been created by way of linen plan release.”*

Previously Council has insisted on this condition being applied as it was argued it would provide access from the proposed residential area to the Tweed commercial areas. It was also accepted that the net impact of 730 lots on Kennedy Drive would be negligible as traffic allocated to the development from Kennedy Drive would be affected by existing traffic from Tweed utilising Boyd Street.

If the current application is approved and the above current consent condition is enforced, Council is exposed to the risk of being liable for the possible upgrading of Boyd Street to 4 lanes. This condition that binds Council is part of a Deed of Agreement relating to traffic volumes, Boyd Street Tugun and the Tugun Bypass. The relevant clauses of the Deed are produced below:

*“ Clause 1 - Council acknowledge that the road system comprising the Bilambil Heights connector road (Cobaki Parkway) check the Deed and discuss forms an important part of the road network for the Tweed, facilitates the future development of the Bilambil Heights area.*

## Items Deferred

- *Clause L - The Council acknowledges and accepts that if the Bilambil Heights connector road is completed before the completion of the Western Bypass it will increase the traffic flow at the count point which may cause the applicant to incur or contribute to the applicant incurring liability in respect of the upgrade to four lanes.*
- *Section 5.2 - the Council shall use all reasonable endeavours to ensure that the applicant does not incur the upgrade liability and in particular, as long as the upgrade liability or the potential therefore still exists will,*
  - a. *not construct or approve the construction of the Bilambil connector road unless the western bypass, the Boyd Street overpass and interchanges between them have been completed or someone else has accepted the upgrade liability.*
- *Section 5.3 - in consideration of the applicant entering into the Gold Coast City Council agreement and assuming initial responsibility for the upgrade liability the Council covenants with the applicant that it will to the fullest extent permitted by law indemnify the applicant against or reimburse the applicant for any cost liability, expense or claim which the applicant may incur directly or indirectly as a result of any failure by the Council to fulfil its obligations under subclause 5.2, etc.”*

If Council insists on maintaining the condition requiring the connection of Cobaki Parkway to Piggabeen Road, then clearly from the above, Council may become liable for the Boyd Street upgrade. The condition impacts on Council's position in regard to the traffic capacity of Kennedy Drive. A previous Council report in 1997 identified the remaining spare capacity on Kennedy Drive at Cobaki Bridge which has now been consumed by developments since that date.

The current application requests that the connection not be made at all, however as previously discussed, this is unacceptable.

It should be noted that Cobaki Parkway from Piggabeen Road to the Tugun Bypass is a scheduled work in the Tweed Road Contribution Plan. Accordingly the developer will receive 'credits' from their TRCP contributions for sections of the Parkway constructed and a Bank Guarantee mentioned below.

This enables Council to control the timing of the construction of the connections avoiding any risk regarding the Boyd Street upgrading. Construction of the link could then be programmed at the completion of the proposed Tugun Bypass.

If Council adopts this position, the developer/owner of Cobaki Lakes would then need to apply for a modification to any previous Consents that conflict with the above recommendation.

The recommendation of this report adopts the position that the connection of Cobaki Parkway to Piggabeen Road not be required until the Tugun Bypass has been constructed

## Items Deferred

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and in regard to the Cobaki Lakes Development, conditions be applied to all relevant consents that:

- The public road reserve for Cobaki Parkway from Roundabout No. 4 to Piggabeen Road shall be dedicated to Council free of cost. The alignment and width of this road reserve shall be confirmed by Council.
- The applicant shall lodge with Council a bank guarantee to the value of \$2,466,000.00 as security for the construction of this section of Cobaki Parkway and Cobaki Bridge, pending the connection to the Western Bypass of Coolangatta Airport.

# Items Deferred

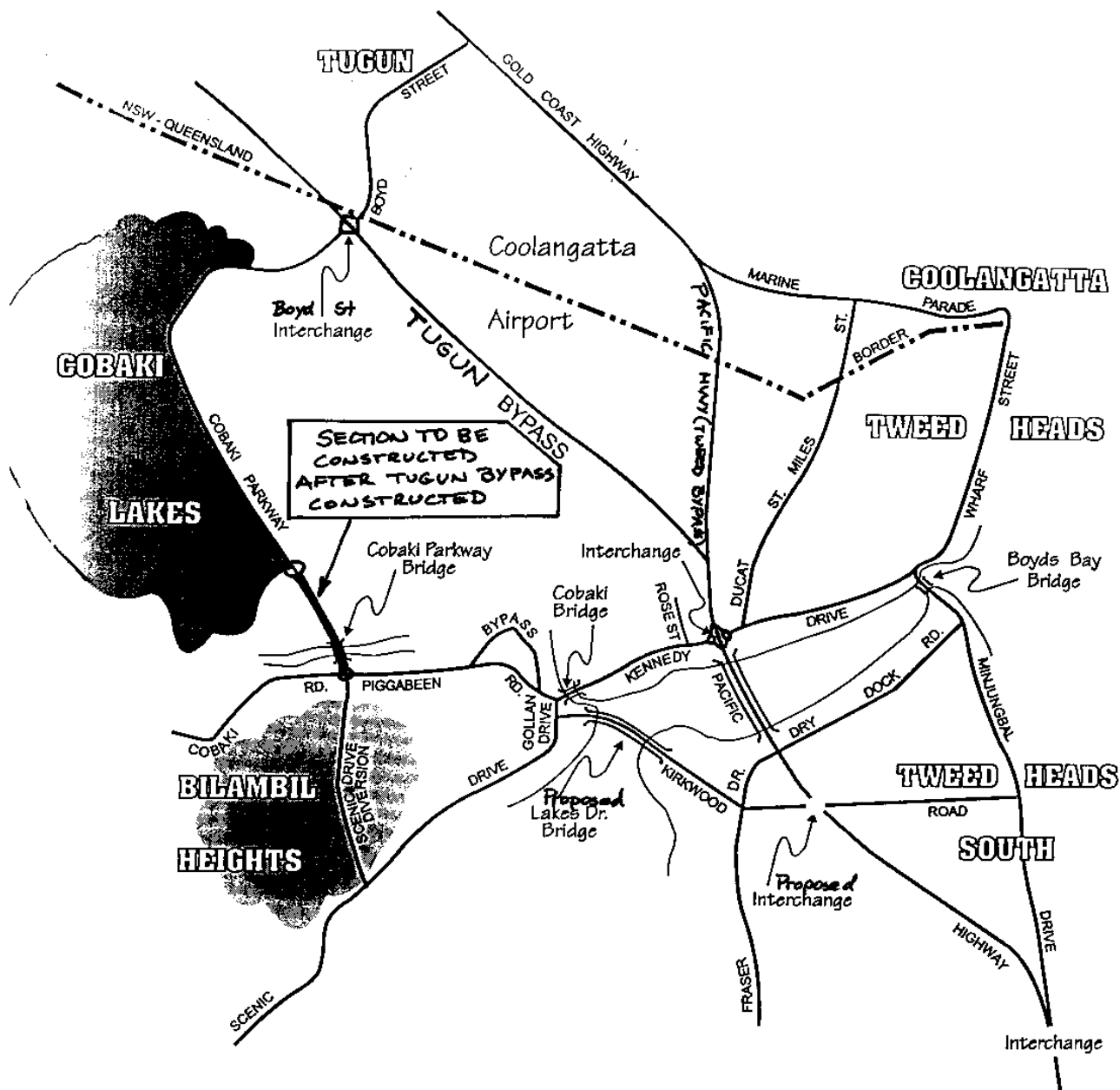


FIGURE 1

## Items Deferred

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# Reports from Director Development Services

## **MATTERS FOR CONSIDERATION UNDER SECTION 79(C)(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

The following are the matters Council is required to take into consideration under Section 79(C)(1) of the Environmental Planning and Assessment Act 1979 in assessing a development application.

### **MATTERS FOR CONSIDERATION**

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
  - (a) the provisions of
    - (i) any environmental planning instrument; and
    - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and
    - (iii) any development control plan, and
    - (iv) any matters prescribed by the regulations,that apply to the land to which the development application relates,
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts of the locality,
  - (c) the suitability of the site for the development,
  - (d) any submissions made in accordance with this Act or the regulations,
  - (e) the public interest.

# Reports from Director Development Services

## EXTRACT FROM TWEED LOCAL ENVIRONMENTAL PLAN 1987

### SCHEDULE 3 - Principles and Criteria of Assessment in Respect of Development in Rural and Environmental Protection Zones

1. The ratio of frontage to depth of each allotment is to be assessed having regard to the purpose for which the allotment is to be developed and the need to minimise the creation of vehicular access point to any road and particularly to designated roads.
2. Arrangements satisfactory to the Council are to be made for the provision of water and on-site disposal of wastes.
3. A road access consistent with the Council's current standards should be provided between the proposed development and a convenient commercial centre.
4. In areas with slopes predominantly in excess of 25% (1 in 4) or 18% (1 in 5.56) on potentially unstable soils such as kraxnozems, chocolate soils and yellow podzolics, identification and investigation of areas of potential erosion landslip or mass movement may be required.
5. In areas identified by the Council as having significant bushfire hazard risk sufficient design consideration is to be given to the reduction of the potential hazard.
6. In areas where potentially significant geological resources have been identified by the Council, investigation is to be carried out into the desirability of preserving access to such resources and the effects of possible future extraction of the resource on both existing and future development in the locality.
7. In areas identified by the Council as being of particular scenic value, the effect that the carrying out of development would have on the retention of existing vegetation on the land and the impact that any proposed building or structure would have on the scenic quality of the locality are to be assessed.
8. In areas identified by the Council as being flood liable, design consideration is to be given to flood liability in accordance with the Council's current policy.
9. An assessment is to be made of the likely impact that will result upon the Council's road system as a consequence of the development being carried out.
10. An assessment is to be made of the impact of proposed drainage works on adjoining lands.
11. An assessment is to be made of identified prime agricultural lands, to include:
  - (a) an assessment of the quality of agricultural land, including existing farm layout and infrastructure as well as neighbouring uses; and
  - (b) recognition of the impact on existing and neighbouring uses regarding loss of prime land and potential for conflict requiring appropriate buffering;and all applications for subdivision on land identified as Class 1, 2 and 3 or unique horticultural on the Department's Classification Agricultural Land Maps shall be referred to the Department of Agriculture for comment.
12. The vulnerability of the proposed development to coastal erosion to be assessed and design consideration given to the reduction of the potential hazard.

## Reports from Director Development Services

### MATTERS FOR CONSIDERATION UNDER SECTION 90 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The following are the matters Council is required to take into consideration under Section 90 of the Environmental Planning and Assessment Act 1979 in assessing a development application.

#### MATTERS FOR CONSIDERATION

1. In determining a development application, a consent authority shall take into consideration such of the following matters as are of relevance to the development the subject of that development application:
  - (a) the provisions of
    - (i) any environmental planning instrument;
    - (ii) any draft environmental planning instrument that is or has been placed on exhibition pursuant to section 47(b) or 66(1)(b);
    - (iii) any draft State environmental planning policy which has been submitted to the Minister in accordance with Section 37 and details of which have been notified to the consent authority; and
    - (iv) any development control plan in force under Section 51A or 72 that applies to the land to which the development application relates;
  - (a1) the provisions of
    - (i) any conservation agreement entered into under the National Parks and Wildlife Act 1974 and applying to the whole or part of the land to which the development application relates; and
    - (ii) any plan of management adopted under that Act for the conservation area to which the agreement relates;
  - (b) the impact of that development on the environment (whether or not the subject of an environmental impact statement) and, where harm to the environment is likely to be caused, any means that may be employed to protect the environment or to mitigate that harm;
  - (c) the effect of that development on the landscape or scenic quality of the locality;
  - (c1) the effect of that development on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality;
  - (c2) the effect of that development on critical habitat;

## Reports from Director Development Services

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- (c3) whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats;
- (c4) any relevant recovery plan or threat abatement plan;
- (c5) the effect of that development on any other protected fauna or protected native plants within the meaning of the National Parks and Wildlife Act 1974;
- (d) the social effect and the economic effect of that development in the locality
- (e) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of that development.
- (f) the size and shape of the land to which that development application relates, the siting of any building or works thereon and the area to be occupied by that development;
- (g) whether the land to which that development application relates is unsuitable for that development by reason of its being, or being likely to be, subject to flooding, tidal inundation, subsidence, slip or bush fire or to any other risk;
- (h) the relationship of that development to development on adjoining land or on other land in the locality;
- (i) whether the proposed means of entrance to and exit from that development and the land to which that development application relates are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles within that development or on that land;
- (j) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect of that traffic on the movement of traffic on that road system;
- (k) whether public transport services are necessary, and if so, whether they are available and adequate for that development;
- (l) whether utility services are available and adequate for that development;
- (m) whether adequate provision has been made for the landscaping of the land to which that development application relates and whether any trees or other vegetation on the land should be preserved;
- (m1) whether that development is likely to cause soil erosion;

## Reports from Director Development Services

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- (n) any representations made by a public authority in relation to that development application, or to the development of the area, and the rights and powers of that public authority;
  - (o) the existing and likely future amenity of the neighbourhood;
  - (p) any submission made under Section 87;
  - (p1) without limiting the generality of paragraph (a), any matter specified in an environmental planning instrument as a matter to be taken into consideration or to which the consent authority shall otherwise have regard in determining the development application;
  - (q) the circumstances of the case;
  - (r) the public interest; and
  - (s) any other prescribed matter.
- 90(2) A reference in this section to development extends to include a reference to the building, work, use or land proposed to be erected, carried out, undertaken or subdivided, respectively, pursuant to the grant of consent to a development application.

### **EXTRACT FROM TWEED LOCAL ENVIRONMENTAL PLAN 1987**

#### **SCHEDULE 3 - Principles and Criteria of Assessment in Respect of Development in Rural and Environmental Protection Zones**

1. The ratio of frontage to depth of each allotment is to be assessed having regard to the purpose for which the allotment is to be developed and the need to minimise the creation of vehicular access point to any road and particularly to designated roads.
2. Arrangements satisfactory to the Council are to be made for the provision of water and on-site disposal of wastes.
3. A road access consistent with the Council's current standards should be provided between the proposed development and a convenient commercial centre.
4. In areas with slopes predominantly in excess of 25% (1 in 4) or 18% (1 in 5.56) on potentially unstable soils such as kraxnozems, chocolate soils and yellow podzolics, identification and investigation of areas of potential erosion landslip or mass movement may be required.
5. In areas identified by the Council as having significant bushfire hazard risk sufficient design consideration is to be given to the reduction of the potential hazard.

## Reports from Director Development Services

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6. In areas where potentially significant geological resources have been identified by the Council, investigation is to be carried out into the desirability of preserving access to such resources and the effects of possible future extraction of the resource on both existing and future development in the locality.
7. In areas identified by the Council as being of particular scenic value, the effect that the carrying out of development would have on the retention of existing vegetation on the land and the impact that any proposed building or structure would have on the scenic quality of the locality are to be assessed.
8. In areas identified by the Council as being flood liable, design consideration is to be given to flood liability in accordance with the Council's current policy.
9. An assessment is to be made of the likely impact that will result upon the Council's road system as a consequence of the development being carried out.
10. An assessment is to be made of the impact of proposed drainage works on adjoining lands.
11. An assessment is to be made of identified prime agricultural lands, to include:
  - (a) an assessment of the quality of agricultural land, including existing farm layout and infrastructure as well as neighbouring uses; and
  - (b) recognition of the impact on existing and neighbouring uses regarding loss of prime land and potential for conflict requiring appropriate buffering;and all applications for subdivision on land identified as Class 1, 2 and 3 or unique horticultural on the Department's Classification Agricultural Land Maps shall be referred to the Department of Agriculture for comment.
12. The vulnerability of the proposed development to coastal erosion to be assessed and design consideration given to the reduction of the potential hazard.

# Reports from Director Development Services

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**1. ORIGIN: Strategic Town Planning Unit**

**FILE REF: GT1/DCP/41**

**REPORT TITLE:**

**Kings Beach (North) Development Control Plan and Section 94 Contributions Plan.**

**SUMMARY OF REPORT:**

The Strategic Town Planning Unit Work Program Priorities as resolved upon by Council includes the preparation of a DCP and S94 Contributions Plan for Kings Beach (North) as a high priority. The Project Brief was considered and endorsed by the Strategic Planning Committee on 13 December, 1999.

**RECOMMENDATION:**

That Council:-

1. Prepares a draft Development Control Plan for Kings Beach (North) and draft Section 94 Contributions Plan in accordance with the relevant provisions of the Environmental Planning and Assessment Regulation.
2. Reviews the zoning of "Seaside City" (the subdivision approved in the 1920's) as part of the planning process associated with the draft Development Control Plan.

# Reports from Director Development Services

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## REPORT:

### INTRODUCTION

The Strategic Town Planning Unit Work Program includes the preparation of a DCP and S94 Contributions Plan for Kings Beach (North) as a high priority. The Project Brief was considered and endorsed by the Strategic Planning Committee on 13 December, 1999. The Notes of that meeting are to be considered as a separate item by Council on 19 January, 2000. The Brief was endorsed by the Committee, as follows:

### Purpose of Project:

Completion of DCP and S94 Contributions Plan for Kings Beach (North).

### Critical Issues:

1. Determination of urban design concepts for the land, particularly the former NSW Tourism Commission site.
2. Identification of environmental controls, including water quality.
3. Future of Sea Side City - subdivision redesign.
4. Infrastructure integration with Kings Forest/Kings Beach (South), particularly the Coast Road and Cudgen Creek bridge.
5. Specific infrastructure needs for tourism related development.
6. Surf life saving facilities, particularly relationship with existing clubs.

### Program

1. Determine whether amendments to existing plans or new plans are required.
2. Determine the area to be covered by those Plans (whether amendments or not).
3. Review landowner intentions for the area to be included in the Plans.
4. (a) Review environmental constraints, infrastructure requirements, and appropriate urban design concepts;  
(b) Demonstrate how these can be integrated with Kings Beach/Kings Forest generally;  
and  
(c) Determine appropriate planning controls.

Infrastructure requirements include water, sewer, roads, cycleways, car parking, open space and community facilities.

5. Provide specific recommendations for the development of Sea Side City.



## Reports from Director Development Services

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6. Prepare draft documents.
7. Liaison with landowners.
8. Exhibit draft documents.

Formal endorsement is sought from Council for the preparation of those Plans.

### CRITICAL ISSUES

The critical issues were extensively canvassed at the Strategic Planning Committee meeting, and therefore will not be repeated here. The only additional comment required is to stress the significance of this land to the economic well being of the Shire. It is therefore essential that Council plans for the best possible planning outcome for this land. To achieve that, the nominated critical issues need complete analysis and resolution. A DCP is considered to be the only means of achieving this.

### TIMING

Work has commenced on the draft DCP. The need for a S94 Contributions Plan is dependent upon the outcome of the DCP. The following timetable has been adopted for completion of the project.

**19 January, 2000:** Preliminary draft DCP to be presented to the Strategic Planning Committee. The major landowners, Lenen Pty Ltd, have been invited to attend the second part of the meeting.

**16 February, 2000:** Report to Council with a draft DCP for exhibition (and a S94 Contributions Plan, if necessary).

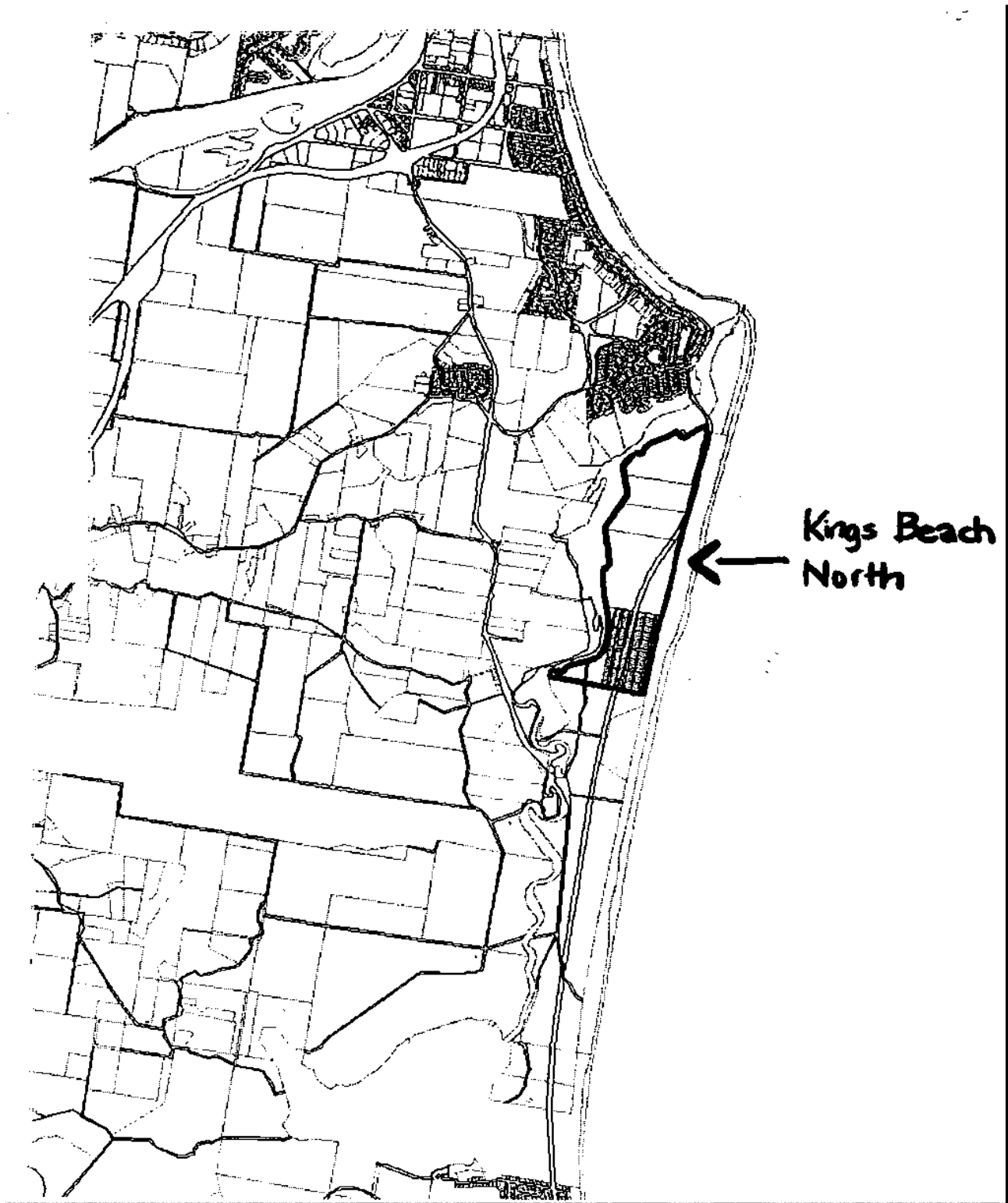
**March:** Exhibition of draft Plan(s).

**April:** Review of submission and report to Council on 5 or 19 April to finalise (The Plan(s)).

### ZONING OF SEASIDE CITY

Lenen Pty Ltd has made continuing representations asserting the inappropriateness of the 2(t) (Tourism) zone (Tweed Local Environmental Plan 1987) and 2(f) (Tourism) zone (draft Tweed Local Environmental Plan 1998) to Seaside City. There is validity in such a review being conducted in association with the preparation of this draft Development Control Plan.

# Reports from Director Development Services



## Reports from Director Development Services

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### 2. ORIGIN: Development Control Unit

**FILE REF: DA2990/430 Pt2**

#### REPORT TITLE:

**Proposed Detached Dual Occupancy at Lot 17 Section 18 DP 28390 Lakeview Parade,  
Tweed Heads South**

#### SUMMARY OF REPORT:

An application has been received seeking approval for a detached dual occupancy at the above land. Council's Engineering Services Division has identified the site as being unsuitable for building purposes because the site has had a history of being unstable. A report prepared by a qualified Engineering Geologist (Lawson Engineering Geology Pty Ltd) has identified that the site is suitable for the proposed development. However, Council's Executive Management Team has raised concerns in respect to the analysis and substantiation underpinning the conclusions reached in the Geotechnical Report.

Council's Solicitors have advised that Council could be liable in negligence if there is a slope failure in the future for approving the development as it is aware that the site has a history of slope failure. Their advice was that Council's insurers be notified of this matter and that an independent report be prepared in relation to the site stability. Council notified the applicant in relation to the Solicitor's advice inviting him to further investigate the conclusions reached in the Geotechnical Report and provide further evidence supporting the conclusions or revise the conclusions as necessary. The applicant declined to provide this information. The applicant made a presentation at Community Access.

On 8 December 1999, Mr Gary Dupen, a representative for the applicant, attended Council's Community Access Meeting.

Accordingly, it is considered that taking the above into consideration the application should not be supported by Council.

#### RECOMMENDATION:

That the development application submitted by Greg Grinter to erect a detached dual occupancy at Lot 17 Section 18 DP 28390 Lakeview Parade, Tweed Heads South be refused for the following reasons:-

1. Due to the history of instability of the site it is considered that Council could be liable in negligence if there is a slope failure in the future for approving the development as it is aware that the site has a history of slope failure.

## Reports from Director Development Services

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2. The conclusions reached in the Geotechnical report are considered not to be satisfactory and the applicant has failed to further investigate the conclusions and provide further evidence supporting the conclusions.

## Reports from Director Development Services

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### REPORT:

<b>Applicant:</b>	Mr Greg Grinter
<b>Owner:</b>	Mr LA & Mrs JL Mitchell
<b>Location:</b>	Lot 17 Section 18 DP 28390 Lakeview Parade, Tweed Heads South
<b>Zoning:</b>	2(a) Residential
<b>Est Cost:</b>	\$135,000

### BACKGROUND

An application has been received seeking approval to erect a detached dual occupancy at the subject land. Unit 1 is part single storey and part 2 storey consisting of 2 bedrooms with a gross floor area of 119m<sup>2</sup> with the ground floor having 82m<sup>2</sup> and the first floor 37m<sup>2</sup>. Unit 2 is 2 storeys consisting of 3 bedrooms with a gross floor area of 128.5m<sup>2</sup> with the ground floor having 64.8m<sup>2</sup> and the first floor 63.7m<sup>2</sup>. Two (2) detached carports each accommodating 2 vehicle car spaces are also proposed and are partly located within the 6 metre front building line.

The subject land has an area of approximately 785.7m<sup>2</sup> with frontage and access to Lakeview Parade. The land falls steeply from Lakeview Parade and existing improvements include the partial construction of a driveway and retaining wall which have been approved by Council. The site is partially vegetated and cleared. The allotments to the north and south have dwellings erected and open space is located to the rear. A public path is located along the northern boundary which gives access to the Terranora Broadwater.

The site has had a history of being unsuitable for building purposes because of ground instability problems in the locality. Because of this history the applicant was requested to provide a report from a Geotechnical Engineer confirming the suitability of this site for the proposed development. A report from Lawson Engineering Geology Pty Ltd was subsequently submitted which concluded that the site was suitable for the proposed development subject to compliance with recommendations contained within that report concerning site drainage and retaining. That report was later amended following a site inspection with Council staff and Mr Trevor Lawson of Lawson Engineering Geology Pty Ltd where Mr Lawson agreed to supply an amended report for the site acknowledging the sites geological history and stating that the site was suitable for the proposed development. This report was submitted, which confirmed that the site was suitable for the proposal.

Council's Engineering Services Division has reviewed the Geotechnical report and has advised that because of the history of events on this site they are concerned about development of the site. However, Council's Engineering Services Division has also advised that they are not geotechnical experts and have not carried out geotechnical testing or analysis. Whereas, Council's Building Services Unit has raised no objections to the stability of the site for the

## Reports from Director Development Services

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development on the basis of the geotechnical report prepared by a qualified soil geologist. The report was based on both the site assessment and the test results from Soil Test Australia.

The application was reported to Council's Development Assessment Panel which deferred the application pending further clarification of the following issues:-

1. Suitability of the site for Dual Occupancy development.
2. Geotechnical stability of the site and the adjacent road reserve.
3. The driveway gradient appears to be in excess of 25 % on the inside arc of the curves, there are no vertical curves provided in the design gradient, and the entry onto Lakeview Parade is blind for exiting traffic.
4. The omission of the natural surface grade line and garage foundation information from the access drawings and the absence of detail regarding associated cuttings, embankments and retaining walls and their impact on item 2 above..
5. The absence of provision for legal and physical disposal of concentrated stormwater from the site.

The applicant has addressed these issues as follows:-

### 1. Suitability of the Site

*Given the additional width of the subject land frontage, the site layout (spacing of dwellings) is in keeping, or better placed, than the majority of independent residential dwellings currently approved and constructed on the respective allotments in the street. The proposal in current form provides off street parking for four cars. The submission is compliant with Shire guidelines for dual occupancy. Sloping terrain issues have been addressed in this submission by providing professional geotechnical and structural engineer's reports. The proposed submission poses no privacy infringement to neighbouring dwellings. The proposed dwellings have been designed to compliment their surroundings.*

#### **Comment:**

Lakeview Parade is a no through road and the subject land is located near the end at the cul-de-sac. It is the last vacant block in this street. All the other allotments in the street have dwelling houses erected. The proposal is a permissible use in the zone subject to Council's consent and it complies with all the relevant provisions of the Tweed Local environmental Plan 1987 and the relevant Development Control Plans. It is considered that the proposal is unlikely to have any significant adverse affect on the residential amenity of the locality or the streetscape, and is suitable for the site.

To determine if the proposal is suitable to the site and locality the objectives of the zone also need to be considered. Section (a) (i) of this report addresses the objectives of the 2(a) Residential zone to determine if the proposal is consistent with those objectives. In this instance it is considered that the proposal provides an alternative type of housing,

## Reports from Director Development Services

likely to be the only one of its type, in a street which is predominantly detached housing while not significantly detracting from the residential character or amenity of Lakeview Parade. Accordingly it is considered that the proposal complies with the objectives of the zone which makes the proposal suitable to the site and the locality.

### 2. Geotechnical Stability of the Site

*Refer to previously submitted reports from Lawson Engineering Geology, dated 9 February and 4 March 1999. Upon Council's request, Trevor Lawson attended an on site meeting with Council representatives. Disclosure of a cope failure in March 1998 on the road reserve adjacent to the subject land was discussed. Lawson Engineering Geology submitted a subsequent report, dated 4 March 1999, again giving a favourable response to the proposal currently in question. Two (2) - 3 years ago, at the request of the previous owners for future construction purposes, hillside and roadway stormwater was diverted from discharging directly onto the subject land. This work included extension of the pipe along the easement at the northern boundary, to the rear of the subject land. Since the geotechnical report by Lawson Engineering was submitted on 4 March, an additional pipe was installed under council concrete lined the open earth drain adjacent to the subject land. Lawson Engineering have also provided certification of the rock walls and general site works currently in place.*

#### **Comment:**

The Geotechnical reports prepared by Lawson Engineering Geology have indicated that the subject land is suitable for the proposed development providing that adequate site drainage, cuttings, embankments and retaining walls are undertaken in accordance with the details outlined within these reports. However, Council's Executive Management Team (EMT) retains concerns in respect to the analysis and substantiation underpinning the conclusions reached in the Geotechnical Report. The applicant has indicated that the unlined drain on the eastern side of Lakeview Parade has been concrete lined by Council since the geotechnical reports were prepared and an additional pipe was installed under the roadway to the easement. These measures are considered to have adequately diverted a majority of stormwater from the road and hillside.

Council's Engineering Services Division has also reviewed this information and advised, as previously, that although they are not geotechnical experts and have not carried out geotechnical testing or analysis, because of the history as events on this site they are still concerned about development at the site. As discussed, this is also supported by Council's EMT which has concerns in respect to the analysis and substantiation underpinning the conclusions reached in the Geotechnical Report.

Due to the conflicting conclusions about the site's stability between Council and the Geotechnical Report the matter was referred to Council's Solicitors to seek legal advice on the matter. The reason for this of course, is that Council could be liable in negligence if there is a slope failure in the future for approving the development as it is aware that the site has a history of slope failure.

## Reports from Director Development Services

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The Solicitor's advice was that Council's Insurers be notified of this matter and that an independent report be prepared in relation to the site stability.

Accordingly, Council notified the applicant inviting him to further investigate the conclusions reached in the Geotechnical Report and provide further evidence supporting the conclusions or revise the conclusions as necessary.

The applicant responded and advised that he did not wish to engage his Geotechnical Engineer at further cost.

### 3. Driveway gradient, roadway access

*We acknowledge Shires concerns regarding the driveway gradient exceeding 25% on the inside curve. However, we wish to demonstrate that the reason for the strategic placement of the double carports being adjacent to each other, provides adequate arc and manoeuvrability without the use of the inside curve for exiting the premises, and further provides the ability for forward entry on to and off Lakeview parade. The ability to drive forward onto Lakeview Parade provides unobstructed vision, unlike many other driveways in the street.*

#### **Comment:**

Council's Engineering Services has raised no objections to the driveway. In addition, due to the topography of the land in the locality many driveways in Lakeview Parade are relatively steep with a difficult access. It is considered that should the proposal have been a dwelling house the driveway/access details would be similar.

### 4. Garage Foundation and Cuttings, Embankments and Retaining Walls

*Surface contours are noted on site plan which were taken at time of acquisition of land. Please find attached, carport foundation details prepared by Rienmac Engineering. Regarding impact of works already carried out, please refer to Lawson Engineering's report and certification, as mentioned in item 2.*

#### **Comment:**

The applicant has provided foundation details on the garages which Council's Building Unit have advised are adequate and these details are attached to Council's files. This involves a footing/slab construction and will be structurally sound based on the soil test prepared by Soil Test Australia Report No 31719-G as advised by Reinmac Pty Ltd Consulting Engineers Civil and Structural. All cuttings, embankments and retaining walls on the site have been discussed in the geotechnical report which indicates that they are unlikely to have any adverse impact on the stability of the site. These works are to be undertaken in accordance with the recommendations outlined in the geotechnical report. However, as discussed some concern has been raised in relation to the analysis and



## Reports from Director Development Services

substantiation underpinning the conclusions reached in the Geotechnical Report. In addition Council's Engineers have raised concerns in relation to the site's stability because of the site's history.

### 5. Stormwater disposal

*Please refer to attached stormwater drainage plan, which illustrates proposed method of stormwater disposal. Stormwater on driveway to be intercepted by way of open spoon drains and pits, and piped into stormwater system. Stormwater from roofs and carports to be piped into stormwater system. Pathways around dwellings to be channelled and piped into stormwater systems. Stormwater system to be directed into Council stormwater discharge area at easement. We would suggest to Council that a substantial stormwater catchment area would be in place which further benefit the stability of the site.*

#### **Comment:**

Concentrated stormwater is likely to come from the driveway and the roofs. It is unlikely that a significant amount of stormwater will come from the road or the hillside as this has been directed into the concrete lined drain on the eastern side of Lakeview Parade which then pipes the stormwater under the road to the easement along the northern boundary to the rear. The applicant has indicated that the stormwater from the driveway will be intercepted by open spoon drains and pits and piped into the stormwater system and discharged into the easement at the rear. A plan for the disposal of concentrated stormwater from the site is attached to Council's files. In addition all site drainage shall be carried out in accordance with the recommendations contained in the geotechnical report.

#### **CONSULTATION**

The adjoining and adjacent property owners were notified of the proposal and two (2) submissions of objection were received and are summarised below.

#### **SUBMISSIONS OF OBJECTION**

All relevant grounds of objection are summarised below with comments:

- Lakeview Parade should only be developed for single residences.

#### **Comment**

The subject land is zoned 2(a) Residential within which dual occupancies are a permissible use subject to Council's consent under the provisions of Tweed Local Environmental Plan 1987.

As previously discussed in this report this is the last vacant allotment in the street and it is unlikely that the proposal would have any significant adverse impact on the amenity of

## Reports from Director Development Services

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the locality and it is unlikely that any further dual occupancies could be developed in this street

- Traffic and Access

The submissions indicated that the proposal would increase traffic and result in cars parking on the street because of an inadequate driveway and no room for parking..

**Comment**

The driveway has already been partially constructed in accordance with the approval issued by Council dated 1 May 1995.

The proposal will require a minimum of three (3) off street carparking spaces under the provisions of DCP2 - Parking Code. The proposal provides 4 spaces, subsequently this is not considered to warrant refusal of the application and is unlikely to create excessive on street carparking.

- The site is a natural watercourse.

**Comment**

Site drainage is to be carried out in accordance with the recommendations contained in the Geotechnical Report prepared by Lawson's Engineering Geology.

In addition Council has recently concrete lined the open drain on the eastern side of Lakeview Parade and installed an additional pipe under the roadway to the stormwater pipe in the easement. This has diverted a majority of stormwater from the road and hillside from entering the site which is piped to the easement to be discharged to the public open space to the rear.

- Property values and the quality of life will decrease.

**Comment**

This is not a planning consideration and this point is difficult to justify and should not warrant refusal of the application in this instance.

- Noise Increase

The proposal will increase noise from the wooden floor on each dwelling.

**Comment**

It is unlikely that wooden floors would create a significant amount of noise that would adversely affect the amenity of the neighbours. This is not considered to warrant refusal of the application in this instance. Due to the slope of the land on the locality a large majority of the houses stand in poles and have wooden floors. The proposal is considered to be consistent with this.

# Reports from Director Development Services

Figure 1



## Reports from Director Development Services

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### ASSESSMENT

The proposal has been assessed against the matters for consideration contained within Section 79(c) (1) of the Environmental Planning and Assessment Act, 1979. This assessment appears below.

**(a) (i) The provisions of any Environmental Planning Instrument**

Tweed Local Environmental Plan 1987

the subject land is zoned 2(a) Residential and the proposal is permissible subject to Council's consent.

Clause 16B: Dual Occupancy - The proposal is consistent with the requirements of this clause, in particular, the floor to space ratio of 0.5:1.

To determine if the proposal is suitable to the site and the locality the objectives of the zone also need to be considered. The objectives of the 2(a) Residential zone are as follows:

- (a) to encourage a variety of housing forms including cluster type development: integrated housing development: dual occupancies, while maintaining a predominantly detached housing character and amenity: and
- (b) to permit other forms of development which are compatible with the particular amenity of residential localities within the zone.

In this instance it is considered that the proposal is consistent with the objectives of the 2(a) Residential zone. The proposal provides an alternative variety of housing (dual occupancy) and this is likely to be the only one of its type in this street which is predominantly detached housing and is not likely to significantly detract from the detached housing character and residential amenity of Lakeview Parade.

**(ii) Draft Tweed Local Environmental Plan 1999**

This plan is not likely to have any prohibitive impact on the proposal within the 2(a) Residential zone.

**(iii) Any Development Control Plan**

DCP2: Policy Code - Under the provisions of this plan the proposal only requires 3 offstreet carparking spaces. The proposal has provided 4 spaces and adequate manoeuvrability area is available to allow vehicles to enter and leave the site in a forward direction.

DCP 6 - Multi Dwelling Housing: It is considered that the proposal is generally consistent with the design elements of this DCP. It is unlikely that the proposal will have any significant adverse impacts on the character or amenity of the

## Reports from Director Development Services

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locality. The design, appearance and form of the buildings are not consistent with other dwellings in the locality. In addition it is unlikely that the proposal will have an adverse impact on the streetscape due to the fall of the land and the existing vegetation which provides a screen. The low side of Lakeview Parade is extensively vegetated and provides a visual screen between the dwellings and the street.

The applicant has submitted a Building Line Variation application for the construction of two free standing carports 2.1 metres and 5.0 metres from the front property boundary. The site is steep and a reduced building line is considered to be warranted for this site. Several similar concessions have been granted in this street. "The design of the proposed carports is in keeping with the design of the dwellings and such carports will not be readily visible from the street due to the topography and vegetation. Accordingly the Building Line Variation application has been approved in this instance.

**(iv) Not applicable**

**(b) Likely Impacts of the Development**

Context and Setting - As discussed above it is considered that the proposal has met with the design and site requirements of DCP6. In addition it is also considered that the design and appearance of the buildings will be consistent and the character with the existing built form at the locality. It is unlikely that the amenity and streetscape of the street will be significantly jeopardised by the proposal on the last vacant block in Lakeview Parade.

Access and Traffic - The driveway has previously been approved by Council and is partially constructed. It is considered that the driveway is generally consistent with other driveways in Lakeview Parade taking into consideration the topography of the land in the locality. It is unlikely that the driveway would create any significantly adverse impacts on the safety of Lakeview Parade. All vehicles will be able to enter and leave the site in a forward direction and more offstreet carparking spaces are provided than is required by DCP 2.

This is the last vacant block of land in Lakeview Parade and it is considered that two (2) additional dwellings is unlikely to have any significantly adverse impact on the road system and traffic thereon.

Soils/Natural Hazards - As previously discussed in this report, Council's Engineering Services Division has indicated that the site is not suitable for the proposal because of the site's instability history. A major slip (centred on the water course through the centre of Lot 17) occurred in 1988 and extensive restoration by Council was extremely expensive.

Since then Council has realigned the stormwater line, that previously discharged across the land, down the adjacent walkway. More recently Council has also

## Reports from Director Development Services

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concrete lined the open drain on the eastern side of Lakeview Parade and installed an additional pipe under the roadway to the stormwater pipe in the easement/walkway. This has diverted a large majority of water from entering the site.

The geotechnical report has recommended that the site is suitable for the development subject to all site drainage being carried out in accordance with the recommendations contained in this report. The report has also acknowledged that the works undertaken by Council to divert stormwater from the site has improved the stability of the site and no further slip or instability has been evident since 1988.

As discussed throughout this report Council has concerns in relation to the stability of the site due to its history of instability. In addition Council also has concerns in respect to the analysis and substantiation underpinning the conclusions reached in the Geotechnical Report. To address this matter the applicant was requested to further investigate the conclusions reached in the Geotechnical Report. The applicant declined this request.

Taking the above into consideration, Council's Solicitors have advised that Council could be liable in negligence if there is a slope failure in the future for approving the development as it is aware that the site has a history of slope failure.

Accordingly it is considered that due to the history of instability of the site and the applicant declining to further investigate the conclusions reached in the Geotechnical Report the site is not suitable for the proposal.

**(c) The Suitability of the Site for the Development**

Does the proposal fit in the locality - See the Subject/Background section, Consultation Section and Section (a)(iii) and (b) of this report. Generally, it is considered that the site is suitable for the proposed development taking into consideration the character of the locality.

**(d) Any Submissions Made in Accordance With the Act or Regulations**

See the Consultation section of this report

**(e) Public Interest**

See the Consultation Section of this report.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

In the event that the applicant is dissatisfied with Council's determination, a right of appeal exists to the Land and Environment Court. The proposed development is not designated and as such no third party appeal rights exist.

## Reports from Director Development Services

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### OPTIONS

It would appear that in this instance the following options are available to Council:-

1. That the application be approved subject to appropriate conditions.
2. That the application be refused.

### CONCLUSIONS

In terms of the character, scale and design etc of the proposal it is considered that it is suitable to the site and locality without creating any significant adverse impacts on the traffic flows and residential amenity of the locality.

However, Council's Engineering Services Division has identified the site as being unsuitable for building purposes because the site has had a history of being unstable. A major slip occurred in 1988 at the site and since then Council has completed works to divert a lot of stormwater from entering the site. No further instability problems have occurred since.

The Geotechnical report prepared by Lawson Engineering Geology has identified the site as being suitable for the proposed development subject to drainage works being completed in accordance with the recommendations outlined in this report. The report has also identified that the drainage and stormwater works undertaken by Council has reduced the potential for any instability problems.

Following the above conflicting conclusions on the site's stability Council's Solicitors were requested to provide advice which indicated that Council could be liable in negligence if there is a slope failure in the future for approving the development as it is aware that the site has a history of slope failure.

Accordingly the applicant was requested to further investigate the conclusions reached in the Geotechnical Report. The applicant declined and based on the information at hand it is considered that the site is not suitable for the proposal due to instability problems and may bring about liability problems for Council should any slope failure occur. Accordingly, the application should not be supported.

Although the proposal is suitable to the locality it is considered that the proposal is not suitable for the site due to instability problems.

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## Reports from Director Development Services

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### 3. ORIGIN: Subdivision Unit

**FILE REF:** GS4/96/135 Pt1

#### **REPORT TITLE:**

**Kings Beach Development - Stage 1 - Draft Linen Plan of Subdivision - Development Consent S96/135 Issued by the Land and Environment Court**

#### **SUMMARY OF REPORT:**

At its meeting of 15 December, 1999, Council considered a report on the above matter and, in summary, resolved that a further report be submitted to Council's meeting on 19 January, 2000 in relation to the Stage 1 linen plan release and the Dune Management Plan required by the conditions of consent.

Subsequently, Council at its extraordinary meeting of 10 January, 2000 resolved that the Casuarina Beach Development be dealt with at the meeting of 19 January, 2000 and Council officers be directed to have their recommendations ready for consideration.

The purpose of this report is to provide Council with an update on the position reached with the various issues relating to the Stage 1 linen plan release.

#### **RECOMMENDATION:**

That this report be received and noted.



## Reports from Director Development Services

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### REPORT:

At its meeting of 15 December, 1999 Council considered a report in relation to this matter and resolved as follows:-

- “1. Council notes the legal advice that the proposed road in Lot 7 does not have authorisation under the Court consent and requires the lodgement of a development application. Council invites Lenen to submit the relevant application.
2. Council delegates to the General Manager and the Director Development Services in consultation with the Department of Land and Water Conservation and National Parks and Wildlife Service to urgently progress the dune management plan and Lot 500 management plan and report on the progress to the 19 January 2000 Council meeting.
3. The linen plan for stage 1 be reported upon to the Council meeting of 19 January 2000.
4. Council invites Lenen Pty Ltd to give consent to the speedy opening of the new section of the Tweed Coast Road as constructed in accordance with the stage 1 consent.”

Further, at its extraordinary meeting on 10 January, 2000, Council resolved as follows:-

“That the Casuarina Beach development be dealt with at the meeting of 19 January, 2000 and Council officers be directed to have their recommendations ready for consideration”.

### STAGE 1 LINEN PLAN RELEASE

A formal subdivision certificate application (Linen Plan Release) has not been submitted to date however, two (2) preliminary draft plans have been submitted and those plans have been assessed and written comments provided to Lenen’s consulting surveyors.

In addition, two meetings have been held between Council officers, representatives of Lenen, and their consultants concerning the various conditions of the development consent issued by the Land and Environment Court which have to be complied with prior to linen plan release have been identified and discussed in some detail. It is open to Lenen to lodge a formal Subdivision Certificate application and supporting documents demonstrating that all relevant conditions have been complied with and following receipt of that submission it will be promptly processed and providing all matters have been complied with a subdivision certificate can be issued.

In this regard it is reiterated that the proposed road in Lot 7 shown on the preliminary draft linen plans of subdivision is not authorised by the development consent issued by the Land and Environment Court and therefore that road would need to be deleted from the linen plan or alternatively development consent obtained and arrangements made for construction of the road prior to release of the linen plan.

## Reports from Director Development Services

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The conditions of the development consent issued by the Land and Environment Court also require Lenen to prepare and submit a Section 88B Instrument creating various easements and restrictions as to user and the preparation of a Deed of Agreement pursuant to Section 27 of the Water Supply Authorities Act in relation to bonding of the sewer reticulation works and the payment of headworks contributions.

Attwood Marshall, on behalf of Lenen Pty Ltd, lodged a draft Section 88B Instrument and Deed of Agreement in December 1999 and those documents were reviewed by Councils officers and Councils Solicitors following which Attwood Marshall were advised on 23 December, 1999 of a number of amendments required to both documents to comply with the terms of the consent and Councils normal requirements for Instruments and Deeds of Agreements. At the date of preparation of this report no response has been received from Attwood Marshall. Further action will be pursued between Council officers, Council's Solicitors and Lenen's Solicitors with a view to resolving outstanding issues and finalising these documents as soon as possible.

### **DUNE MANAGEMENT PLAN AND LOT 500 MANAGEMENT PLAN**

Following Council's extraordinary meeting on 10 January, 2000 a meeting was held on the afternoon of 10 January between Council officers, Mr Bruce Hungerford of the Department of Land and Water Conservation, representatives of Lenen Pty Ltd and their consultants to further discuss finalisation of the dune management plan and the Lot 500 management plan. As a result of those discussions, Lenen Pty Ltd have undertaken to submit a further amended plan by about 12 noon on Friday 14 January, 2000. Following receipt of the amended plan a copy will be forwarded to Mr Bruce Hungerford and the National Parks and Wildlife Service in Coffs Harbour for comment together with relevant Council officers with a view to obtaining comments by Monday 17 January, 2000. A further late addendum report on the amended Plan will be distributed to Councillors prior to the Council meeting subject to all necessary comments and assessments being satisfactorily completed.

### **CONCLUSION**

As previously advised, Lenen Pty Ltd can open the new section of Coast Road to traffic immediately notwithstanding that the linen plan has not been lodged or released. The further report to Council's meeting on 19 January 2000 in relation to the dune management plan and Lot 500 management plan will contain as definitive recommendations as possible but will be dependent upon Lenen lodging the amended plan promptly on Friday 17 January, 2000.

# Reports from Director Development Services

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## Reports from Director Development Services

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### 4. ORIGIN: Director

**FILE REF: GA4/4 Pt3 & Development Assessment Panel**

**REPORT TITLE:**

**Service Level Improvements - Development Assessment**

**SUMMARY OF REPORT:**

At its meeting of 3 November, 1999, Council endorsed the seeking of expressions of interest for the formation of a Committee to develop a protocol on development assessment and decision making processes with the following composition:-

- 4 Councillors
- 4 representatives of the development industry (including professional consultants);
- 4 representatives of interest groups

with the Director of Development Services being the Executive Member. (The full report and resultant resolution of the Council meeting on 3 November, 1999 is reproduced below).

Eight (8) expressions of interest were received and these are Annexures to this report and they are all from the representatives of the development industry and professional consultants. In order to achieve the important balance on this Committee it is recommended that invitations be sent directly to the relevant interest groups for participation, notably -

The Tweed Heads Residents and Ratepayers Association; the Kingscliff Residents and Ratepayers Association; the Banora Point Residents Association; and the Progress/Residents Associations representing Cabarita, Bogangar, Hastings Point, Pottsville, Chinderah and Cudgen.

The Director of Development Services wishes to place strong emphasis on such a Review of Service Levels and processes over the next 5/6 months leading to Management Plan 2000/2001 adoption.

**RECOMMENDATION:**

That Council:-

1. Invites the following nominees to participate in the Committee to develop a protocol on development assessment and decision making:-
  - \* Paul Bolster;
  - \* John Samuels;
  - \* Peter Sipple;

## Reports from Director Development Services

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- \* Geoff Davey;
  - \* Ian Pickles;
  - \* Mark Thomas;
  - \* Martin Findlater; and
  - \* Pat Twohill
- with Tony Smith being invited as a contributing observer as productive subject to their continuing availability and commitment.
2. Notes that the Director of Development Services will write to the President/Secretaries of local community organisations as nominated within the report to directly invite their participation and report back to Council as necessary.
  3. Nominates four (4) Councillors to be on the Committee.

## Reports from Director Development Services

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### REPORT:

At its meeting of 3 November, 1999, Council endorsed the seeking of expressions of interest to participate in a Committee targeted at service level improvements for development assessment and decision making. The composition of that Committee was resolved to be:-

- 4 Councillors
- 4 representatives of the development industry (including professional consultants);
- 4 representatives of interest groups (conservation groups, progress associations, community associations, etc); and

with the Director of Development Services being the Executive Member.

Eight (8) expressions of interest have been received and the letters conveying those expressions of interest are Annexures to this report. It is to be noted that Halliday and Stainlay are offering an assisting role as needed rather than direct participation in the Committee. It is important that the balance of stakeholder representation be achieved for this Committee and hence it is recommended that direct invitations be sent to other relevant Community/Interest Groups for participation; notably-

- The Tweed Heads Residents and Ratepayers Association;
- The Kingscliff Residents and Ratepayers Association;
- The Banora Point Residents Association; and
- The Progress/Residents Associations representing Cabarita, Bogangar, Hastings Point, Pottsville, Chinderah and Cudgen.

The expressions of interest received are as follows:-

- Bolster and Co Solicitors - Nomination Mr Paul Bolster (Solicitor)
- Cardno MBK - Nomination Mr John Samuels (Senior Engineer)
- The Urban Development Institute of Australia (Gold Coast Branch)- Nomination Mr Peter Sipple (current President of UDIA Gold Coast) and Geoff Davey
- Gary Shiels and Associates Pty Ltd - Nomination Ian Pickles (Manager, Gold Coast)
- Mark Stapleton and Associates - Nomination: Mark Thomas
- Martin Findlater and Associates Pty Ltd - Nomination: Martin Findlater (Principal Engineer and Director)
- Pat Twohill Designs Pty Ltd - Nomination: Pat Twohill
- Halliday and Stainlay nominated as "at very least an observer" - Tony Smith

## Reports from Director Development Services

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Given the response it may well be appropriate for Council to resolve to accommodate all persons who have made an expressions of interest onto the Committee - albeit the development industry representation will out number the representation of interest groups. It is not anticipated to be a voting Committee making recommendations to Council, but playing advisory consultative and negotiating roles. An alternative would be as follows:-

- \* Paul Bolster, Solicitor
- \* John Samuels or Martin Findlater - both Senior Professional Engineers
- \* UDIA - Peter Sipple as President
- \* Mark Thomas - representing Building Surveyors and important for private certification issues

Ian Pickles as a representative of Gary Shiels and Associates has broad knowledge of both Queensland and New South Wales legislation and will be a very productive member of such a Committee - however he has substantial work commissions by Council.

Pat Twohill would be a valuable contributor in terms of building design issues but these may well be covered by other participants and Mr Geoff Davey was nominated as a second representative of UDIA and Peter Sipple would logically represent the UDIA as current President.

The Director of Development Services will be having some discussions with nominees to see whether there is any rationalisation for the recommendation prior to the Council meeting.

### **REPORT FROM 3 NOVEMBER, 1999**

The report to the meeting of 3 November 1999 was as follows - which enables an understanding about the role of the Committee:-

#### ***“Summary of Report:***

*One of the initiatives being taken as part of the continuous improvement program for Development Assessment is to develop a Protocol with the main stakeholders in the Development Assessment and decision making process. Some DA's are inevitably conflictual but it will be very positive and productive to establish a Protocol about the process and the roles of the various players to ensure the appropriate opportunities for consultation and negotiations; the most expeditious process to decision making and the quality of the results of that process and decision making.*

*It is proposed that a Committee/Focus Group totally 12 - including four (4) Councillors be formed and based upon a process of obtaining expressions of interest.*

#### **RECOMMENDATION:**

## Reports from Director Development Services

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*That Council endorses the seeking of expressions of interest for the formation of a Committee to develop a Protocol on the development assessment and decision making process with the following composition:*

- 4 Councillors;
- 4 representatives of the development industry (including professional consultants);
- 4 representatives of interest groups (conservation groups, Progress Associations, Community Associations, etc.)

*with the Director of Development Services being the Executive Member.*

### **Report:**

*This proposal for a Protocol is one of the initiatives being taken as part of the continuous improvement program for Development Assessment. Some DA's are inevitably conflictual but it will be very positive and productive to establish a Protocol about the process and the roles of the various players to ensure the appropriate opportunities for consultation and negotiations; the most expeditious process to decision making and the quality of the results of that process and decision making.*

*It is proposed that a Committee/Focus Group totally 12 - including four (4) Councillors be formed and based upon a process of obtaining expressions of interest.*

### **Quality of Service - Development Assessment**

*The quality of service which this Council can provide on the development assessment and decision making depends upon:*

- a. *The quality and clarity of Council's Planning Policy Documents (Strategic Planning);*
- b. *The adequacy of supporting information submitted by the applicant;*
- c. *The extent and detail of pre-lodgement consultations particularly with the Development Assessment Panel;*
- d. *The efficiency of Council's management and staff;*
- e. *The levels of complexity and conflict involved;*
- f. *The consultation requirements with the community, State Government Agencies and other stakeholders;*
- g. *The ability to have negotiated and mediated all outstanding issues before decision making and/or a report to Council.*

*It is timely that a major review of the development assessment function of this Council would be initiated at about this time given the submission of the Draft Tweed LEP 1998 to the Minister for Urban Affairs and Planning including exempt and complying development*



## Reports from Director Development Services

*provisions and the importantly the lead time required to embody any new initiatives into the Management Plan 2000/2001. It is submitted that a very significant response to the above seven factors is the development of a Protocol/Practice Manual through consultation with stakeholders and which will embody certain service level agreements for all of those stakeholders.*

### ***The Protocol, Committee and Terms of Reference***

*It is important that Council is not overly pre-emptive on proposing Terms of Reference for a Committee/Focus Group overseeing the development of this protocol. It is proposed that the Committee comprise 12 members:*

*4 Councillors;*

*4 representatives of the development industry;*

*4 representatives of interest groups (conservation groups, Community Associations, Progress Associations and the like).*

*It would be appropriate for Council to go to expressions of interest for the 4 representatives of the development industry and the interest groups and select the 8 members based upon written submissions received. The process of developing the Protocol will also involve a survey endorsed by the Committee to go to all clients who submitted a development application in the Financial Year 1998/99. The design of the questionnaire for the survey may require professional assistance.*

*The Terms of Reference would be discussed at the first meeting of the Committee and then finalised at the second meeting and whilst Council should not be pre-emptive the following issues are put forward as highly relevant and for debate at the first meeting of the Committee:*

- a. The content of the survey of applicants;*
- b. DAP and Pre-Lodgement consultations;*
- c. Guidance notes/brochures for lodgement and processing of DA's;*
- d. Interactions between Councillors, Council staff, applicants and other stakeholders in the process;*
- e. Consultation, negotiation and mediation practices to address issues and conflicts arising from the DA;*
- f. The Applications Determination Policy;*
- g. Any other issues which the members wish to raise.*

## Reports from Director Development Services

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*The Committee should have the entitlement to invite other representatives of development industry/interest groups to put certain cases forward should there be deemed justification. External professional consultants could be invited also to make contributions.*

*It is proposed that the Director of Development Services be the Executive Officer to the Committee with substantial involvement of the Managers crucially involved in the development assessment process the Managers of Development Control, Subdivisions, Building Services, Planning and Design, Environment and Health and Water. These Managers will be called upon on an "as needs basis".*

### **Other Initiatives**

*Other initiatives that have been/will be taken directed at the continuous improvement of the delivery of service for development assessment are:*

- a. *The development and implementation of a Practice Manual associated with the new legislation on Development Assessment of July 1998 - COMPLETED;*
- b. *The review of advisory/referral processes within the Council and the preparation of the Service Level Agreements*

***Draft Proposal completed - currently subject to consultation with Council Management***

- c. *Benchmarking and Performance Indicators - preparation and refinement.*  
***(Performance indicators review completed but process of benchmarking and comparative analysis with other Councils to be initiated in Year 2000)***
  - d. *Review of roles and responsibilities of supporting, clerical and administrative staff.*  
***(Partially complete - currently under development)***
  - e. *The continuous review of all segments of Development Assessment processes and systems.*  
***(Partially completed - ongoing)"***
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# Reports from Director Development Services

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## Reports from Director Development Services

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### 5. ORIGIN: Subdivision Unit

**FILE REF:** GS4/93/76 Pt3

#### REPORT TITLE:

**Modification of Development Consent S93/76 - Lot 1 and 2 DP 828298 Crescent Street, Cudgen - Cudgen Heights Estate Stage 3**

#### SUMMARY OF REPORT:

An application has been received seeking approval to modify various conditions of Consent S96/76 for the subdivision of the above lots into 89 lots. The modification proposes to amend Conditions 13(vi)(a)(viii) and 40. The modifications involve reducing the 13m wide formation of Crescent Street to 11m and replacing the pedestrian/cycleway underpass (Chinderah Road) with a signalised crossing.

Having regard to the following assessment it is considered that these conditions can be amended appropriately.

#### RECOMMENDATION:

That :-

A. Development Consent S93/76 be modified as follows:

##### **Condition 13(vi)(a)(viii) to read as follows:-**

Upgrading of Crescent Street from the proposed subdivision north to and including the intersection with Chinderah Road to an 11.0 metre asphaltic concrete seal on a 13.0 metre formation. Construction of 11.0m asphalt seal on an 13.0 metre formation to the full Crescent Street property frontage. Kerb and gutter on an approved alignment along with associated sub-surface drainage systems is to be constructed to the eastern side of Crescent Street to the frontage of Lot 199 on DP 803329.

The developer shall lodge a bond to the value of the estimated cost of the works prior to commencement of construction of Stage 4.

Council may call up the bond to cover the cost of constructing any section of Crescent Street and if necessary the Crescent Street/Chinderah Road intersection.

The timing and nature of these works are to be determined by the Director of Engineering Services following consultation with the Cudgen Progress Association and the Traffic Committee, to ensure that effective and safe traffic movements are achieved.

# Reports from Director Development Services

**Condition 25 to read as follows:-**

A certificate of compliance (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Council before subdivision survey plans are released. Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance. Contributions for each stage are as follows:-

**Water**

Stage 3A	20 lots @ \$2,900.00	= \$58,000.00
Stage 3B	26 lots @ \$2,900.00	= \$75,000.00
Stage 4	21 lots @ \$2,900.00	= \$60,900.00
Stage 5	22 lots @ \$2,900.00	= \$63,800.00
<b>Total</b>	<b>89</b>	<b>\$257,700.00</b>

**Sewer**

Stage 3A	20 lots @ \$2,380.00	= \$47,600.00
Stage 3B	26 lots @ \$2,380.00	= \$61,880.00
Stage 4	21 lots @ \$2,380.00	= \$49,980.00
Stage 5	22 lots @ \$2,380.00	= \$52,360.00
<b>Total</b>	<b>89</b>	<b>\$211,820.00</b>

**Condition 35 to read as follows:-**

Pursuant to Section 94 of the Act and the Section 94 contribution plan for West Kingscliff, the following contributions shall be paid prior to release of the linen plan for each stage:

i	Structured Open Space	
	Stage 3A - 20 lots at \$377.88	\$7,557.60
	Stage 3B - 26 lots at \$377.88	\$9,824.88
	Stage 4 - 21 lots at \$377.88	\$7,935.48
	Stage 5 - 22 lots at \$377.88	<u>\$8,313.36</u>
	<b>Total</b>	<b>89</b>
		<b>\$33,631.32</b>
ii	Community Facilities	

## Reports from Director Development Services

	Stage 3A - 20 lots at \$211.08	\$4,221.60
	Stage 3B - 26 lots at \$211.08	\$5,488.08
	Stage 4 - 21 lots at \$211.08	\$4,432.68
	Stage 5 - 22 lots at \$211.08	<u>\$4,643.76</u>
	<b>Total 89</b>	<b>\$18,786.12</b>
iii	Cycleway	
	Stage 3A - 20 lots at \$205.86	\$4,117.20
	Stage 3B - 26 lots at \$205.86	\$5,352.36
	Stage 4 - 21 lots at \$205.86	\$4,323.06
	Stage 5 - 22 lots at \$206.86	<u>\$4,550.92</u>
	<b>Total 89</b>	<b>\$18,343.54</b>
iv	Drainage	
	Stage 3A - 1.96 ha at \$9890.10	\$19,384.60
	Stage 3B - 1.92 ha at \$9890.10	\$18,988.99
	Stage 4 - 2.03 ha at \$9890.10	\$20,076.90
	Stage 5 - 2.92 ha at \$9890. 10	\$28,879.09
	<b>Total</b>	<b>\$87,329.58</b>
v.	Street Trees	
	Stage 3A - 20 lots at \$30.00	\$600.00
	Stage 3B - 26 lots at \$30.00	\$780.00
	Stage 4 - 21 lots at \$30.00	\$630.00
	Stage 5 - 22 lots at \$30.00	\$660.00
	<b>Total</b>	<b>\$2,670.00</b>

### Condition 40 to be amended to read as follows:-

A pedestrian/cycleway crossing shall be constructed across Chinderah Road in accordance with detailed engineering plans which are to be submitted and approved, including any necessary approvals from the Roads and Traffic Authority, prior to

## Reports from Director Development Services

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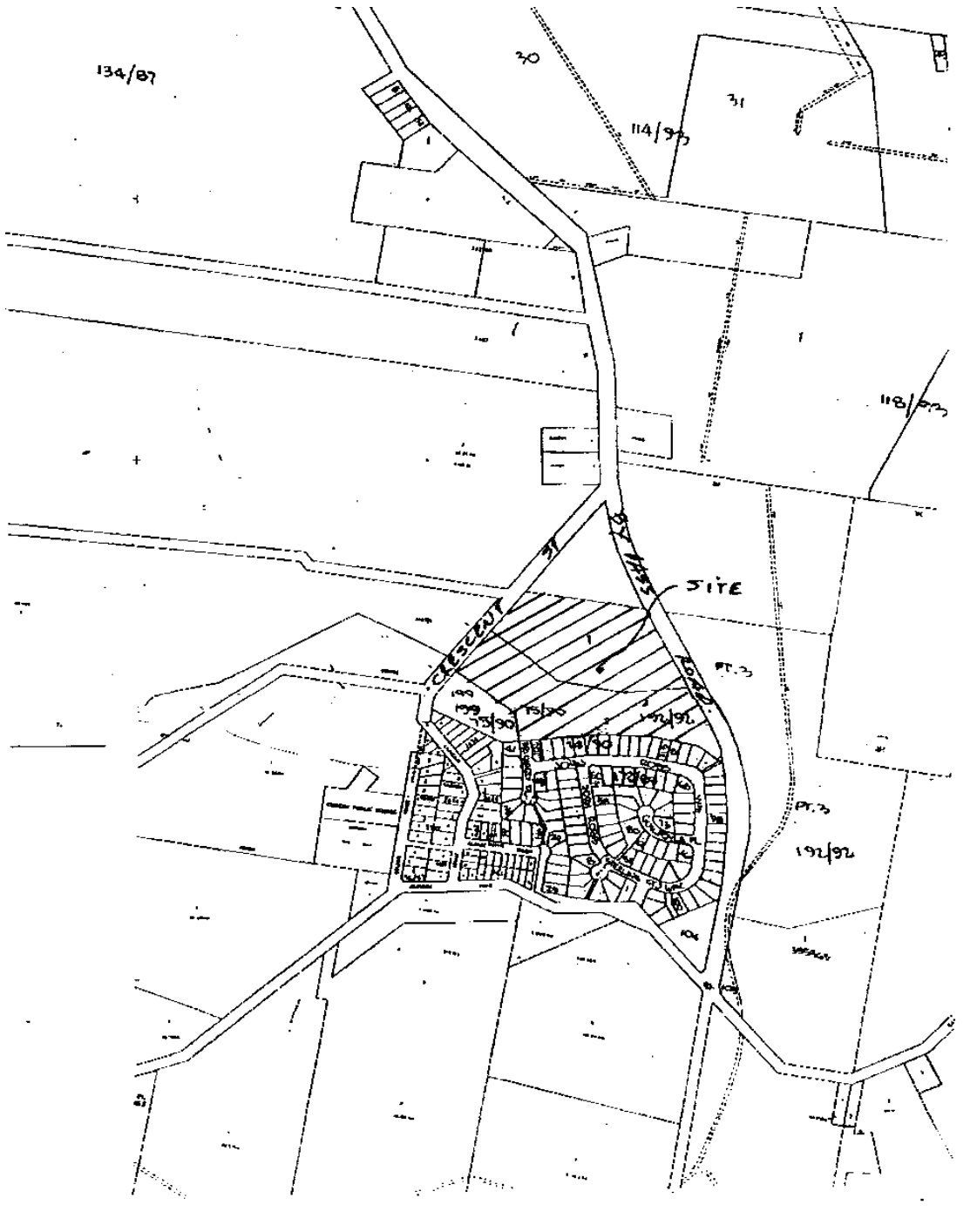
work commencing. The pedestrian/cycleway crossing shall be a road underpass or other facility approved by Council.

# Reports from Director Development Services

## REPORT:

An application to modify Consent S93/76 for the subdivision of Lots 1 and 2 DP 828298 Chinderah Road, Cudgen into 89 lots has been received. The modification application requests amendment of conditions 13(vi)(a)(viii) and 40 of this consent.

## SITE DIAGRAM





## Reports from Director Development Services

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Condition 13(vi)(a)(viii) reads as follows:-

*“viii In lieu of upgrading Crescent Street from the proposed subdivision north to and including the intersection with the By-Pass Road, as required by the original consent, the developer shall lodge a bond to the value of the estimated cost of the works prior to commencement of construction of Stage 4 or within 2 years of the date of this modification, whichever occurs first.*

*Council may call up the bond to cover the cost of constructing any section of Crescent Street and if necessary the Crescent Street/Bypass Road intersection.*

*The timing and nature of these works are to be determined by the Director Engineering Services following consultation with the Cudgen Progress Association and the Traffic Committee, to ensure that effective and safe traffic movements are achieved.”*

The applicant requests the modification of this condition for the following reasons:-

*“Condition 13(vi)(a)(viii)*

*The original consent approval of 25 January 1994 required the widening of Chinderah Road/Crescent Street to the ultimate design of 13m kerb to kerb for the southern boundary of the site, Bowen Way intersection through to Cudgen By-pass Road intersection with kerb and gutter for full length on east side, including provision for a bus stop.*

*The amended approval of 24 August 1994 provided in lieu of the original requirements, the developer lodge a bond to the value of the estimated cost of the works prior to commencement of construction of Stage 4 or within two years from 25 August 1994, whichever occurred first.*

*We request that Council review the basis of the condition requiring Crescent Street upgrading to 13.0m kerb to kerb roadway as this width exceeds the requirements of a Residential Collector Street.*

*As discussed at the meeting held on 11 August 1999 between Council’s representatives and Messrs Parker and Mitchell the proposed 11.0m wide formation is in lieu of the previously required 13.0m kerb to kerb upgrading.*

*As this section of Crescent Street operates as a Residential Collector Street (Traffic Volume of 750-3000 vehicles per day) the 11.0m wide formation will be the appropriate standard of road.*

*The parking component of the road width can also be utilised as a Cycleway. As there are no lots fronting Crescent Street there is little likelihood of vehicles parking in this area.*

*The Project Surveyor has confirmed that the road reserve width of Crescent Avenue on our Client’s frontage is 30.18m (with a Road Reserve width taper of 0.57m per 100m as the reserve heads north).*

## Reports from Director Development Services

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*This road reserve width will accommodate the proposed open drain as shown on the enclosed drawing no. C2332:01:08.*

*We also request review of the requirement, which we consider unreasonable, that the Developer of Lot 1 on DP 828298 upgrade Crescent Street for the full frontage of Lot 4 on DP 727425 as Crescent Street also provides frontage to Lot 4 on DP 727425 which is not owned by Torrac Investments and also provides access to Cudgen Village and to the extractive/ti tree oil operations to the west.*

*It would be unfair, in our view, to require a bond to the value of the cost of the original condition if the extent of upgrading is ultimately less either because of reduced pavement width or reduced traffic volume due to the closure of access to the Bypass Road.*

*As discussed at our 11 August 1999 meeting, the extent of upgrading of Crescent Street, including whether access will be terminated either south of the un-named road opposite the northern boundary of the subject site or south of Bowen Way intersection, is undecided.*

*These decisions have an impact on the value of the road works and we seek a resolution on the matter such that the extent of work/bond value can be fairly and reasonably determined”.*

Condition 40 reads as follows:-

*“40. A pedestrian/cycleway underpass shall be provided across Cudgen By-pass Road adjacent to the proposed park. The underpass shall be constructed in accordance with detailed engineering plans which are to be submitted and approved prior to work commencing. Implementation of this condition shall be deferred until the final zoning and disposition of the land to the east is determined.”*

The applicant requests the modification to this condition for the following reasons:-

*“Condition 40*

*This condition requires construction of a pedestrian/cycleway under the Bypass Road.*

*Attached please find our estimate of cost of constructing the underpass.*

*As discussed with you we consider it unreasonable that Torrac should have to bear entirely the very substantial cost of \$288,127 of this piece of infrastructure which will benefit a much wider population than the subject development.*

*In addition it is likely there will be considerable on-going costs to Council having regard to maintenance issues such as continual pumping to ensure water in the underpass does not render it unusable.*

*In lieu of the underpass we suggest a signalised road crossing at the north-eastern boundary of Lot 1 DP 828298 as per the attached plan C2332:SK:CP.*

## Reports from Director Development Services

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*The proposed crossing is in a location better suited to all potential users as it is at the bottom of the catchment, thus residents from the subject land would not have to back track (ie. ride/walk south) to go north”.*

The application was advertised for a period of 14 days and adjoining owners notified. A total of 4 submissions of objection were received. The details of these submissions will be discussed in the consultation section of this report.

At Council's meeting on 17 August 1994 Council resolved to modify the consent to reduce the number of lots from 96 to 89. However, the relevant conditions requiring contributions were not amended to reflect the reduced number of lots. It is therefore proposed that this anomaly be corrected as part of this application.

### CONSULTATION

The proposal was advertised and adjoining property owners notified and four (4) submissions of objection were received and are summarised below.

- **Chinderah Road carries a high volume of traffic and an underpass is the only safe option**

#### Comment

The latest traffic count for Chinderah Road is 9273 vehicles per day (23/6/99). Traffic growth predictions for Chinderah Road warrant that a safe pedestrian/cycle crossing be provided. Other than a underpass there are two viable alternatives. One is the construction of an overpass. The construction of an overpass would require compliance with the NAASRA bridge design code and also needs to be aesthetically acceptable.

The Roads and Traffic Authority have authority over any signalised road crossing. Any approval would be subject to the applicant obtaining approval from the RTA for the locality of, and timing sequences of the lights.

- **If a signalised crossing were approved the volume of traffic using Crescent Street would increase to avoid two (2) sets of lights along Chinderah Road. Should this occur the request to modify the upgrading of Crescent Street should not be supported**

#### Comment

Council's Subdivision Engineer has advised that the provision of traffic lights on Chinderah Road would limit the capacity of Chinderah Road. "Rat running" would also be encouraged down Crescent Street to avoid the pedestrian lights.

Further increases in traffic volumes down Crescent Street will increase the risks of accidents and will also be contrary to the wishes of the local residents. The poor geometry of Crescent Street is not suited for additional traffic. It is narrow, winding, has blind corner, concealed driveways and the terrain is steep on both sides with no footpath.

## Reports from Director Development Services

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- **Council needs to confirm the proposed modifications to the intersection of Crescent Street and Bowen Way to restrict estate and through traffic from going up the hill (Crescent Street) through the Village**

### Comment

The current approved plans provide that no left turn can be made from Bowen Way onto Crescent Street. The modifications do not propose to change this. Accordingly, traffic from the proposed estate (Bowen Way) will be restricted from using Crescent Street through the Village.

- **North Crescent Street should be upgraded to 20m wide to comply with Council's own collector road stipulations**

### Comment

Council's Subdivision Engineer has advised that narrowing the 13m road requirement in Crescent Street to 11m would not effect current traffic as the measured traffic volumes were 421 vehicles per day.

Egress from the existing residential area which was created in previous stages of Cudgen Heights is currently via John Robb Way to Cudgen Road. Once the road to Crescent Street is constructed traffic patterns will change. The original traffic model does not detail local traffic movements. Vehicles travelling north would find the shortest route is via Crescent Street. This includes those vehicles leaving from the earlier stages of Cudgen Heights. Using a trip generation of 9 trips per dwelling per day (source: "Guide to Traffic Generating Developments", RTA), the estimated ultimate traffic generated from Cudgen Heights is 3696 vehicles per day. Should only half of the vehicles exit south via John Robb Way then the remainder would travel north, 1848 vehicles per day. Add to this local traffic and the vehicles that use Crescent Street as a short cut and Crescent Street traffic volumes will exceed 2200 vehicles per day.

In regards to the traffic volume the construction of an 11.0 metre asphalt seal on a 13.0m metre formation is considered satisfactory.

- **Crescent Street should not be a collector road to divert traffic onto it**

### Comment

See comment above.

- **Crescent Street should be closed as per the requirements of Development Control Plan No. 9- Kingscliff West**

### Comment

The proposal is merely to modify a condition which requires Crescent Street to be 13m wide and reduce this to 11m which appears to be acceptable as discussed above.

## Reports from Director Development Services

The issue of whether or not Crescent Street should be closed was addressed in a previous report to Council's meeting of 3 August 1994. This report was in relation to proposed modifications to Consent S96/76 also.

An extract from this report is as follows:-

*"The current modification application and the issues identified by objectors again raises the vexed question of the appropriate Traffic Management measures for this locality. This issue was canvassed at length during the preparation of Development Control Plan No. 9 (DCP9) and prior to its adoption and again in the report on the original development application for this subdivision.*

*In this regard, the following points are relevant:*

- 1. DCP9 (West Kingscliff) designates Crescent Street as a Collector Road from the northern boundary of the subject land to Cudgen Road. The DCP also provides for closure of Crescent Street north of the proposed subdivision with residents of Crescent Street to be advised when the street is to be closed.*
- 2. Stages 1 and 2 (ie. Existing Cudgen Heights Estate) were approved with Pritchard Place extending to the subject land with the clear intention that there would be a traffic connection via John Robb Way to Cudgen Road.*
- 3. Clause 18 of the Section 94 Plan for West Kingscliff provides that:*

*"Upgrading of the southern part of Crescent Street to collector road standard will be required as a condition of consent for any development of the land. The residential zoned land north of Cudgen heights is in one ownership and that owner will be responsible for the total cost of upgrading".*

*Following discussions with Council officers the applicant is prepared to upgrade Crescent Street from the proposed subdivision south provided that the variation does not involve a financial commitment any greater than that under the consent as it currently stands.*

*This alternative is considered to be appropriate (having regard to the DCP and the Section 94 Plan) provided that Crescent Street is in fact closed following release of the linen plan for the first stage of the development. If Crescent Street is not closed following release of the first stage, traffic is more likely to travel north along Crescent Street, thus warranting upgrading of that section of road and the intersection with the Bypass Road as required by the current consent.*

*On balance, it is considered that the alternative is the most appropriate option, particularly given traffic safety considerations at the intersection of Crescent Street/Bypass Road. However, it is acknowledged that some loss of amenity will result to residents of Crescent Street south of the subject land".*

## Reports from Director Development Services

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Further to this matter the following report was put to Council at their meeting on 17 August 1994.

### ***“Modification of Development Consent S93/76 - Cudgen Heights Estate - Stages 3 to 5***

#### ***Summary of Report***

*Following discussions with the developer agreement has been reached on the alternative amended condition 13vi(a)(viii) as proposed by Councillor Cooper. The amended condition is therefore included in the following recommendation in relation to the modification application.*

#### ***Report***

*As indicated in the report in relation to item 37 of the business paper, a meeting was held on 12 August 1994 between the Developer (Mr Mike Kelly) and Council officers to discuss the alternative amended condition 13vi(a)(viii) proposed by Councillor Cooper at Council's meeting on 3 August 1994.*

*Mr Kelly agrees with the alternative condition, but the timing of lodgement of the bond is of concern to him. Ideally, the bond should be lodged prior to release of the linen plan for Stage 3A. However, Mr Kelly has indicated during recent meetings that the early stages of the development are only marginally viable because of the high cost of filling and providing initial infrastructure. He therefore strongly requests that lodgement of the bond be deferred until the later stages of the development.*

*Stages 3A and 3B (total 51 lots) can be accessed from Pritchard Place and therefore there is no practical need to contract the proposed junction in Bowen Way/Crescent Street until, say, Stage 4. As this will preclude traffic using Crescent Street (and therefore the need to upgrade it) until Stage 4 is developed it is considered reasonable to defer lodgement of the bond until prior to commencement of construction of Stage 4. This arrangement will provide the developer with the cash flow from Stages 3(a) and 3(b) to assist in funding the bond.*

#### ***Review of Development Control Plan No. 9 - West Kingscliff***

*Section 3.0 of Development Control Plan No. 9 (DCP9) indicates that residents of Crescent Street are to be notified when that street is to be closed.*

*The DCP also provides for a road link from this subdivision to Crescent Street.*

*In view of the continuing concerns within the community in relation to the implications of closing Crescent Street it is proposed that a draft amendment to the DCP be prepared and publicly exhibited which deletes the closure clause and the requirement for a road link from this subdivision to Crescent Street.*

## Reports from Director Development Services

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*This process will again allow all interest groups to comment on the issue prior to Council taking a final decision such that certainty in terms of traffic management/planning in this area”.*

At that meeting Council resolved as follows:-

*“RESOLVED that Council investigate the installation of traffic facilities at the intersection of Crescent Street and Bowen Way to prevent left-hand turns from Bowen way into Crescent Street and to prevent right-hand turns from Crescent Street into Bowen Way.”*

### **Environment and Community Services Division Comments**

No objections raised to the proposal.

### **Engineering Services Division Comments**

No objections raised to the proposal. The recommendation of the Subdivision Engineer are endorsed.

### **Development Services Division Comments**

Council’s Subdivision Engineer has assessed the proposed modifications and has provided the following comments:-

*“It is proposed to amend the requirements of condition 13 (vi)(a)(viii) and condition 40.*

#### **Condition 13(vi)(a)(viii)**

*The consent condition 13 (vi)(a)(viii) states*

*“viii In lieu of upgrading Crescent Street from the proposed subdivision north to and including the intersection with the By-Pass Road, as required by the original consent, the developer shall lodge a bond to the value of the estimated cost of the works prior to commencement of construction of Stage 4 or within 2 years of the date of this modification, whichever occurs first.*

*Council may call up the bond to cover the cost of constructing any section of Crescent Street and if necessary the Crescent Street/Bypass Road intersection.*

*The timing and nature of these works are to be determined by the Director of Engineering Services following consultation with the Cudgen Progress association and the Traffic Committee, to ensure that effective and safe traffic movements are achieved.”*

*The date of the amended consent was 25/8/94 and the amount for the estimated cost of the works to upgrade Crescent Street has not been lodged with Council by the applicant .*

### **Traffic**

## Reports from Director Development Services

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*Narrowing of the 13 metre road requirement in Crescent Street to 11 m would not effect current traffic as the measured traffic volumes were 421 vehicles per day (10/2/1998).*

*Egress from the existing residential area which was created in previous stages of Cudgen Heights is currently via John Robb Way road to Cudgen Road.*

*Once the road to Crescent Street is constructed traffic patterns will change.*

*The original traffic model does not detail local traffic movements.*

*Vehicles travelling north would find the shortest route is via Crescent Street. This includes those vehicles leaving from the earlier stages of Cudgen Heights.*

*Using a trip generation of 9 trips per dwelling per day (source: "Guide to Traffic Generating Developments", RTA), the estimated ultimate traffic generated from Cudgen Heights is 3696 vehicles per day. Should only half of the vehicles exit south via John Robb Way then the remainder would travel north, 1848 vehicles per day. Add to this local traffic and the vehicles that use Crescent Street as a short cut and Crescent Street traffic volumes will exceed 2200 vehicles per day.*

*In regards to the traffic volume the construction of an 11.0 metre asphalt seal on a 13.0 metre formation is considered satisfactory.*

### **Civil Road Works**

*The original consent required "Reconstruction to provide for Bus Stop bay." A 13.0 metre road would permit a bus bay on the western side of Crescent Street to service the local residents, however if this was to be reduced to 11.0 metres then the provision of a bus bay on the western side of the road is required.*

*On plan C2332:01:08 dated 19/8/99 it is proposed to construct a table drain on the western side of Crescent St. A conflict in area usage would occur between the proposed open drain and a bus stop.*

*A footpath area on the eastern side of Crescent St is not shown. The table drain is shown to be 0.3 metres deep however at 0.3% fall it ends up being 0.75 metres deep at the northern end of the property resulting in batters of 1 in 2.3 which is not trafficable and cannot be easily maintained. Condition 13 ix of the consent states:-*

*"13 ix A section 88B restriction shall be imposed on lots 43 to 50 prohibiting direct vehicular access to Crescent Street. A table drain shall be provided in Crescent Street to the frontages of lots 43 to 50 including landscaped movable batters and a concrete invert drain."*

*The applicant claims there is little likelihood of vehicles parking on the eastern side of Crescent Street and suggests that it could be utilised as a cycleway. Nevertheless this generates a conflict between parking and cycling usage, which is sufficient grounds for objection.*



## Reports from Director Development Services

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*The applicant proposes to have a table drain on the eastern side of Crescent Street and a larger open drain on the western side of Crescent Street however this does not provide an area wide enough to accommodate future services or a pedestrian footpath. On this basis the proposal is objected to.*

*The applicants submitted plan C2332:01:08 appears to have a typographical error on it where it shows the centre concrete traffic island as "1500mm high".*

### **Condition 40**

*The consent conditions 40 states*

*"40. A pedestrian/cycleway underpass shall be provided across Cudgen By-pass Road adjacent to the proposed park. The underpass shall be constructed in accordance with detailed engineering plans which are to be submitted and approved prior to work commencing. Implementation of this condition shall be deferred until the final zoning and disposition of the land to the east is determined."*

*The provision of traffic lights on Chinderah Road would limit the capacity of Chinderah Road. "Rat running" would also be encouraged down Crescent Street to avoid the pedestrian lights. Further increases in traffic volumes down Crescent Street will increase the risks of accidents and will also go against the wishes of local residents. . The poor geometry of Crescent Street is not suited for the carrying of additional traffic. It is narrow, winding, has blind corners, concealed driveways and the terrain is steep on both sides with no footpath.*

*The latest traffic count for Chinderah Road is 9273 vehicles per day (23/6/99). Traffic growth predictions for Chinderah Road warrant that a safe pedestrian/cycle crossing is provided. It was previously acknowledged that there are some practical problems involved with the construction of the underpass including the high water table and the need for a permanent stormwater pumpout arrangement.*

*In lieu of constructing an underpass there are two viable alternatives. One is a signalised crossing and the other is the construction of an overpass. The construction of an overpass would require compliance with the NAASRA bridge design code and also to be aesthetically acceptable.*

*The Roads and Traffic Authority have authority over any signalised road crossing. Any approval would be subject to the applicant obtaining approval from the RTA for the locality of, and the timing sequences of the lights.*

*There is a considerable volume of water which travels down the Chinderah Road table drain, Q100 varies from 4.7 to 7.74 cubic metres per second depending on the amount of blockage to the upstream pipes. Q5 is approximately 0.9 cubic metres per second. The invert of the underpass would be approximately RL- 0.33 whereas the invert of the existing*

## Reports from Director Development Services

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*table drain is approx. RL +0.4. The stormwater flow is to be diverted away from the underpass so that it is not frequently inundated.*

*The submitted "preliminary engineers estimate" does not include drawings to show how the design of the underpass is to integrate with the stormwater layout or what happens to the sewer rising main.*

*In relation to the location of the proposed signalised pedestrian crossing the applicants engineer submits that "residents from the subject land would not have to back track (ie ride/walk south) to go north." The approved consent plan shows egress points at Bowen Way, beside lot 20 and the park. The desirable travelling path for pedestrians and cyclists would be from the park, across Chinderah road and heading in a straight north-northeast direction towards Bellbird Street.*

*The plan C2332.SK.CP Sept 1999 shows a pedestrian cycleway within the drainage reserve. The travel path would appear to be from the estate egress points to the proposed signalised crossing then head east. This is a much longer travel path for people from the eastern side of the estate and accordingly the traffic lights would be unlikely to be utilised as they are too far away. Positioning of the traffic lights in this location however does suit the Chinderah Road traffic as it is on a relatively flat grade and not at the bottom of the hill, which is where the current underpass location is shown.*

*Civil engineering considerations include; how the alignment or grade of the footpath is to overcome the 2.0 metres height difference between Chinderah road and the estate, and how the footpaths cross over the open drains.*

*The applicants engineers have not nominated any egress points for pedestrians/cyclists to the north of the Estate and there is a strong likelihood that the lot layout would need to be revised to accommodate any new pathways. Under the existing lot layout the pedestrians/cyclists would be required to travel up Crescent Street or Chinderah road. This creates the need to have footpaths, retaining structures and pedestrian fencing to be constructed to the traffic lights from the existing egress points. The approximate cost of 230m of a 1.5m high (min) retaining wall + 620m of footpath + barrier fencing etc. needs to be considered in relation to the signalised crossing proposal. If the traffic lights are to be approved then they should be conditioned that a concrete footpath be constructed along the proposed drainage reserve, Crescent Street, and along Chinderah Road for the full property frontage to the estates egress points. This is to include any barrier fencing and retaining walls required.*

*It is noted that the existing consent does not directly condition that a concrete footpath be constructed down to the underpass.*

### **Recommendation**

*Consent condition 13(vi)(a)(viii) be modified as follows:-*

## Reports from Director Development Services

- 13(vi)(a)(viii) *Upgrading of Crescent Street from the proposed subdivision north to and including the intersection with Chinderah Road to an 11.0 metre asphaltic concrete seal on a 13.0 metre formation. Construction of 11.0 m asphalt seal on an 13.0 metre formation to the full Crescent Street property frontage. Kerb and gutter on an improved alignment along with associated sub-surface drainage systems is to be constructed to the eastern side of Crescent Street to the frontage of lot 199 on DP 803329.*

*The developer shall lodge a bond to the value of the estimated cost of the works prior to commencement of construction of Stage 4.*

*Council may call up the bond to cover the cost of constructing any section of Crescent Street and if necessary the Crescent Street/Chinderah Road intersection.*

*The timing and nature of these works are to be determined by the Director of Engineering Services following consultation with the Cudgen Progress association and the Traffic Committee, to ensure that effective and safe traffic movements are achieved.*

*Consent condition 40 be modified as follows:-*

40. *A pedestrian/cycleway crossing shall be constructed across Chinderah Road in accordance with detailed engineering plans which are to be submitted and approved, including any necessary approvals from the Roads and Traffic Authority, prior to work commencing. The pedestrian/cycleway crossing shall be a road underpass or other facility approved by Council.*

### CONCLUSION

It is considered that the proposed modifications are generally satisfactory and the consent should be modified appropriately.

# Reports from Director Development Services

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## Reports from Director Development Services

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**6. ORIGIN: Strategic Town Planning Unit**

**FILE REF: GT1/LEP/A105 Pt2**

**REPORT TITLE:**

**Draft Tweed Local Environmental Plan 1987 - Amendment No 105 (Banora Point Deviation).**

**SUMMARY OF REPORT:**

Council has been processing a draft Local Environmental Plan (LEP) to accommodate the Banora Point Deviation at Sextons Hill. The major community issue has been the route of the deviation through Wilson Park. Council resolved to submit the Draft LEP to the Minister subject to written confirmation from the Minister of Roads & Traffic that compensation for the loss of Wilson Park will be provided. The Roads and Traffic Authority (RTA) have advised that it will not contribute if the purchase does not take place within the next five years. The Regional Office of the Department of Urban Affairs and Planning (DUAP) have requested how Council wishes to proceed with this matter.

**RECOMMENDATION:**

That Council reaffirms the resolution of 16 June, 1999 and advises the Regional Director (Northern) of the Department of Urban Affairs and Planning accordingly - forwarding copies of such advice to the Minister for Urban Affairs and Planning; the Minister for Roads and the Regional Manager of the Roads and Traffic Authority.

## Reports from Director Development Services

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### REPORT:

Council has been processing a Draft LEP to accommodate the Banora Point Deviation at Sextons Hill. The major community issue has been the route of the deviation through Wilson Park.

Council resolved at its meeting of 16 June, 1999 that:

*“Council requests the Minister for Urban Affairs and Planning to make Draft LEP Amendment No 105 subject to the Minister for Roads and Traffic providing written confirmation to Council that the authority, or its successor, will provide compensation for the loss of part of Wilson Park in terms of either:*

- a) acquisition and embellishment of suitably located, useable and equivalent land adjacent to that lost for open space within 5 years; or*
- b) paying to Council a monetary contribution equivalent to the cost of replacing the open space lost in terms of acquisition and embellishment which Council may only spend for the purpose of acquiring and embellishing that open space when a property becomes available.*

*And advises the Minister for Urban Affairs and Planning, Minister for Roads and the Roads and Traffic Authority accordingly”.*

The Regional Manager of the Department of Urban Affairs and Planning has responded that:

*“As I understand it, the RTA has already advised that it would agree to purchase property in compensation for loss of part of the Park, and that the RTA will not contribute the equivalent cost to the Council if this purchase does not take place within the next five years.*

*As the RTA’s advice is that it is not prepared to agree to a condition attached to the LEP amendment, a resolution would need to be found to the matter before it could be finalised. Council may care to reconsider the matter in consultation with the RTA”.*

Council needs to resolve how this Amendment is to be dealt with. The deviation has already been included in the Draft Tweed LEP 1998, now before the Minister.

Reaffirming the Council resolution of 16 June, 1999 is recommended as Council’s position is considered to be very reasonable in terms of “community compensation”.

There is an option of the Mayor, General Manager and Director of Development Services seeking to meet Senior Management of the RTA and/or Ministerial advisors - if only to reinforce Council’s position.

## Reports from Director Development Services

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### 7. ORIGIN: Development Control Unit

**FILE REF: PF5430/1443 Pt2**

#### REPORT TITLE:

**Proposal to Increase the Output at the CSR Readymix Quarry at Lot 1 DP 792256  
Terranora Road, Terranora**

#### SUMMARY OF REPORT:

In December 1996 Council considered a report on a proposal to increase the output from CSR Readymix quarry at Terranora. Council resolved to issue a consent for the proposal once a Deed of Agreement has been entered into for the payment of contributions. This deed has not been entered into and therefore the consent has not been issued. The applicant has advised that the life of the quarry has been reduced from that which was previously included in the application and the applicant is therefore requesting that conditions relating to intersection upgrading and payment of contributions be removed. The development application was readvertised and a number of submissions received. It is considered appropriate to modify the conditions as requested by the applicant.

#### RECOMMENDATION:

That :-

- A. The applicant be advised that it is Council's intention to determine the application 96/322 by way of a Deferred Commencement consent as outlined in "B" below including the conditions and subject to CSR Limited entering into a "Deed of Agreement" with Council requiring payment of the following contribution:-
  - i. The payment of \$13,355 towards the provision of passing lanes.
- B. Subject to "A" above, the development application for the increase in output from the quarry at Lot 1 DP 792256 Terranora Road, Terranora be approved by way of a "Deferred Commencement" consent subject to the following conditions.

#### **Deferred Commencement Consent**

This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 3 months of the date of this notification.

Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A" the consent shall become operable and take effect from the date of notification under Section 92 of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out as Schedule "B".

## Reports from Director Development Services

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### Schedule "A"

Conditions imposed pursuant to Section 91AA of the Environmental Planning and Assessment Act, 1979 (unamended):-

1. A detailed quarry "plan of management" is to be submitted and approved by the Director Development Services and the Director Environment & Community Services including but not limited to the following:-
  - (a) The matters contained in Chapter 10 and Section 7.3.2 of the Environmental Impact Statement.
  - (b) Measures to notify residents in the locality before blasting. A list of residents potentially affected by blasting is to be submitted to the Director of Environment and Community Services. These residents are notified by telephone by the quarry operators at least 24 hours prior to each blast. Notification can cease at the request of the resident.
  - (c) An acoustic report is to be submitted to the Director of Environment and Community Services demonstrating that the recommended extreme limit as contained in the Environment Protection Authority guidelines, will not be exceeded, or written concurrence from the Environment Protection Authority (EPA) be submitted approving exceedance of recommended acceptable noise levels. Monitoring of noise levels is to be continued to be carried out at 3 month intervals and results are to be reported to Council and the EPA.
  - (d) Methods of monitoring of noise, dust, vibration and blast overpressure. An additional gauge to measure dust is to be provided at Residence 1 if agreed by the owner.
  - (e) A requirement that ground vibration, blast overpressure and dust emissions are to meet the Environment Protection Authority guidelines. Results are to be reported to Council and the Environment Protection Authority every six months.
  - (f) A requirement that any complaints are reported to the Environment Protection Authority.
  - (g) A detailed rehabilitation plan.
  - (h) Methods of self compliance with speed limits and what will be done if drivers/contractors do not comply.
  - (i) A requirement that the operators of the quarry are to cease operations during times of high wind speed as quantified by calculations using the



## Reports from Director Development Services

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results of dust deposition monitoring during varying wind speeds and directions.

### “Schedule B”

1. The development is to be completed generally in accordance with the Environmental Impact Statement prepared by Kinhill Cameron McNamara and dated July 1996 and the Plan of Management except where varied by these conditions.
2. All items in the Plan of Management are to be implemented immediately.
3. Compliance with all requirements of development consent 88/372 except where varied by these conditions.
4. The maximum annual extraction rate of material to be removed from the site is 350,000 tonnes per annum. Details of the amount of material extracted is to be submitted to Council every 3 months.
5. Compliance with all requirements of Council’s Environment & Community Services Division, specifically including the following:-
  - (i) The Plan of Management is to be implemented by the operators of the quarry and the procedures set out in the Plan are to be followed accordingly.
6. Compliance with all requirements of Council’s Engineering Services Division, specifically including the following:-
  - (i) Truck warning signs on Terranora Road either side of the access are to be displayed.
  - (ii) Upgrading of the existing intersection generally in accordance with Plan No. 97569 prepared by Bornhorst and Ward. The plan is to be amended and resubmitted to Council prior to commencing work including:-
    - \* guard rails being installed with RTA specifications;
    - \* all linemarking, including pavement arrows, are to be marked in accordance with RTA requirements;
    - \* the “Trucks Entering” warning signs are to be erected 100m on both sides of the intersection.
  - (iii) Where the construction work is on or adjacent to public roads, parks and drainage reserves and the development shall provide and maintain all warning signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or

## Reports from Director Development Services

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property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.

- (iv) The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
  - (v) Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to release of any linen plan of subdivision and/or prior to occupation of the buildings.
7. Compliance with all soil conservation and rehabilitation works contained in the Plan of Management.
  8. All amendments or modifications to the Plan of Management for the site are to be approved by the Director Development Services.
  9. Compliance with all requirements of the Environment Protection Authority.
  10. The operating hours of the quarry may only exceed the hours recommended in the EPA Noise Control Manual if written concurrence from the EPA is obtained and submitted to Council.

## Reports from Director Development Services

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### REPORT:

#### BACKGROUND/PROPOSAL

**Applicant:** CSR Limited  
**Owner:** Sellars Holdings Ltd  
**Location:** Lot 1 DP 792256 Terranora Road, Terranora  
**Zoning:** 1(a) Rural

Council, at its meeting of 18 December 1996, considered a report on a development application which proposed to increase the output at CSR Readymix Quarry. CSR Limited currently has consent to extract and remove up to 200,000 tonnes of material from the site per annum and the development application considered by Council seeks consent to increase the output to a maximum of 350,000 tonnes per annum. The 200,000 tonne limit has been exceeded since 1995 and a separate report on this matter is being considered in the confidential agenda. The proposal does not involve any changes to the location of or sequence of extracting material. No changes are proposed to the method of rock extraction, processing, handling or cartage. A copy of the report on the development application is provided as an Attachment to the Business Paper. At the meeting of 18 December 1996, Council resolved:-

*“RESOLVED that :-*

- A. *The applicant be advised that it is Council’s intention to determine the application 96/322 by way of a Deferred Commencement consent as outlined in “B” below including the conditions and subject to the applicants entering into a “Deed of Agreement” with Council requiring payment of the following contributions:-*
- (i) *Payment of a road maintenance contribution levy of 2.5 cents per tonne of material removed from the site by road transport per kilometres travelled from the Quarry to the site of delivery (2.5c/tonne/km) as a contribution towards the cost of maintaining the local road network. This levy will be increased annually at a rate equivalent to the New South Wales CPI rate of increase.*
- The levy payment is to be made on a quarterly basis (3 months) and must include suitable documentary evidence relating to the quantity of material removed and the distance hauled.*
- (ii) *Payment of a contribution of \$40,068 towards the provision of passing lanes on Terranora Road.*
- B. *Subject to “A” above, the development application for the increase in output from the quarry at Lot 1 DP 792256 Terranora Road, Terranora be approved by way of a “Deferred Commencement” consent subject to the following conditions.*

## Reports from Director Development Services

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### *Deferred Commencement Consent*

*This consent shall not operate until the applicant satisfies the consent authority by producing satisfactory evidence relating to the matters set out in Schedule "A". Such evidence is to be provided within 3 months of the date of this notification.*

*Upon the consent authority being satisfied as to compliance with the matters set out in Schedule "A" the consent shall become operable and take effect from the date of notification under Section 92 of the Environmental Planning and Assessment Act, 1979 subject to the conditions set out as Schedule "B".*

### *Schedule "A"*

#### *Conditions imposed pursuant to Section 91AA of the Environmental Planning and Assessment Act, 1979 as amended:-*

- 1. A detailed quarry "plan of management" is to be submitted and approved by the Director Development Services and the Director Environment & Community Services including but not limited to the following:-*
  - (a) The matters contained in Chapter 10 and Section 7.3.2 of the Environmental Impact Statement.*
  - (b) Measures to notify residents in the locality before blasting. A list of residents potentially affected by blasting is to be submitted to the Director of Environment and Community Services. These residents are notified by telephone by the quarry operators at least 24 hours prior to each blast. Notification can cease at the request of the resident.*
  - (c) An acoustic report is to be submitted to the Director of Environment and Community Services demonstrating that the recommended extreme limit as contained in the Environment Protection Authority guidelines, will not be exceeded, or written concurrence from the Environment Protection Authority (EPA) be submitted approving exceedance of recommended acceptable noise levels. Monitoring of noise levels is to be continued to be carried out at 3 month intervals and results are to be reported to Council and the EPA.*
  - (d) Methods of monitoring of noise, dust, vibration and blast overpressure. An additional gauge to measure dust is to be provided at Residence 1 if agreed by the owner.*
  - (e) A requirement that ground vibration, blast overpressure and dust emissions are to meet the Environment Protection Authority guidelines. Results are to be reported to Council and the Environment Protection Authority every six months.*

## Reports from Director Development Services

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- (f) *A requirement that any complaints are reported to the Environment Protection Authority.*
- (g) *A detailed rehabilitation plan.*
- (h) *Methods of self compliance with speed limits and what will be done if drivers/contractors do not comply.*
- (i) *A requirement that the operators of the quarry are to cease operations during times of high wind speed as quantified by calculations using the results of dust deposition monitoring during varying wind speeds and directions.*

### **“Schedule B”**

1. *The development is to be completed generally in accordance with the Environmental Impact Statement prepared by Kinhill Cameron McNamara and dated July 1996 and the Plan of Management except where varied by these conditions.*
2. *All items in the Plan of Management are to be implemented immediately.*
3. *Compliance with all requirements of development consent 88/322 except where varied by these conditions.*
4. *The maximum annual extraction rate of material to be removed from the site is 350,000 tonnes per annum. Details of the amount of material extracted is to be submitted to Council every 3 months.*
5. *Compliance with all requirements of Council’s Environment & Community Services Division, specifically including the following:-*
  - (i) *The Plan of Management is to be implemented by the operators of the quarry and the procedures set out in the Plan are to be followed accordingly.*
6. *Compliance with all requirements of Council’s Engineering Services Division, specifically including the following:-*
  - (i) *Truck warning signs on Terranora Road either side of the access are to be displayed.*
  - (ii) *Upgrading of the existing access to an AUSTROADS Type C intersection in accordance with AUSTROADS Part 5 Guide to Traffic Engineering Practice within 3 months of the consent coming into effect. Detailed design plans are to be submitted and approved by the Director Engineering Services prior to construction. The design is also to include the provision of 160m of entering sight distance in either direction along Terranora Road.*
  - (iii) *Where the construction work is on or adjacent to public roads, parks and drainage reserves and the development shall provide and maintain all warning*

## Reports from Director Development Services

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*signs, lights, barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.*

- (iv) The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.*
  - (v) Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to release of any linen plan of subdivision and/or prior to occupation of the buildings.*
- 7. Compliance with all soil conservation and rehabilitation works contained in the Plan of Management.*
  - 8. All amendments or modifications to the Plan of Management for the site are to be approved by the Director Development Services.*
  - 9. Compliance with all requirements of the Environment Protection Authority.*
  - 10. The operating hours of the quarry may only exceed the hours recommended in the EPA Noise Control Manual if written concurrence from the EPA is obtained and submitted to Council."*

The applicant and Council has never entered into the Deed required by Part A(i) of the resolution which was delayed in part by negotiations with all quarry operators to determine the most practical and equitable way of providing for road maintenance contributions. The result of the negotiations was an amendment to Section 94 Plan No. 4 - Tweed Road Development Contribution Plan whereby the heavy haulage contribution is levied on the destination development rather than the quarry operators.

When the development application was originally advertised the application included an estimate that the quarry life was approximately 7 years based on the proposed extraction rate (July 1996). A request was received in August 1999 to amend the yet undetermined development application as the applicant believes that the quarry life is now approximately 2-2½ years. A copy of the request is produced below:-

*"This correspondence represents a formal request to amend the as yet undetermined development application for the abovementioned site.*

## Reports from Director Development Services

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*The amendment is to reflect revised operational circumstances which, in our opinion, materially affect Council's determination of the application and in particular, the conditions.*

### ***Circumstances***

*From an expected 12 years of life (dependent upon agreement with and acquisition of neighbours land) at the time the application was put to the Council, the company believes that there now remains approximately 2-2.5 years life in the quarry as no further reserves are available to CSR. This obviously means that the level of intensity and impacts external to the site are substantially reduced and that opportunities to rehabilitate the site may come to fruition at an earlier time.*

### ***Formal Request***

*The Council is asked to modify conditions A(i) and (ii) and Schedule B 6(ii)-(v) as outlined in the letter of December 1996. The basis for our request is as follows.*

### ***Road Maintenance Contribution***

*The company is aware that a contribution levy has been set industry wide involving actual quantities extracted from a site. We believe it is in the Council's interests and indeed the company's interest to participate in that agreement and we request the contribution be varied accordingly. We acknowledge this will involve a contribution rate of less than 2.5 cents per tonne of material removed.*

### ***Passing Lanes on Terranora Road***

*Because of the shortened life of the quarry and the substantially reduced impacts external in terms of traffic, traffic safety and amenity we believe that a contribution substantially less than the \$40,068 requested would be warranted.*

*We ask Council to recognise that the quarry has been operating in a satisfactory way for some considerable time. Indeed the company prides itself on its relationship with the neighbours and the skill and courteousness of its truck drivers. We anticipate and look forward to a positive reduction of this amount.*

### ***Intersection Standards at the Entrance to the Quarry***

*The entrance to the quarry is a combined entrance between Council's quarry and the company's quarry. We believe the standard requested by RTA should be at least equitably shared by the two organisations. We also believe that the intersection required, having regard to the shortened life of the quarry, the low turnover of activity currently experienced and experienced now for some time, does not necessitate the type of intersection proposed. The intersection has operated on a safe basis for some considerable time and a reduction in the standard of intersection is formally requested".*

## Reports from Director Development Services

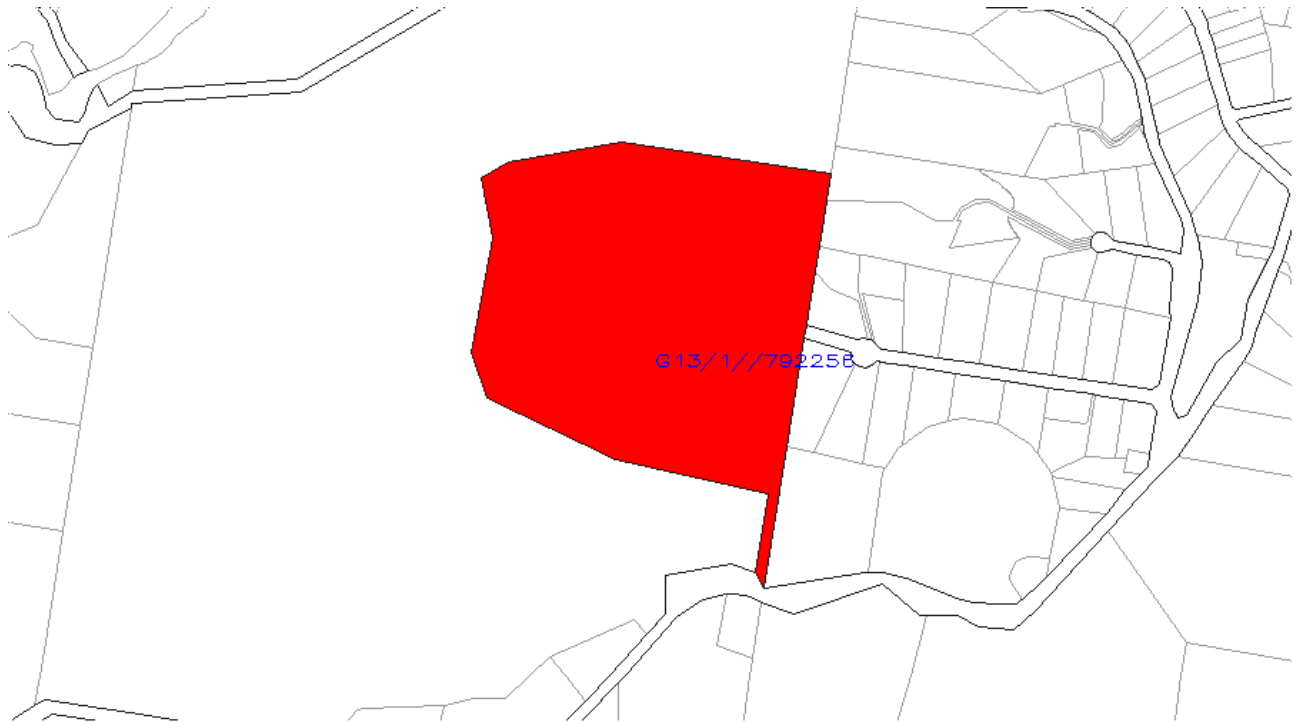
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As a result of this request the application was readvertised and submissions received from individuals and government authorities. Details of these submissions will be outlined in the “consultation” section of this report.



# Reports from Director Development Services

## Site Diagram



# Reports from Director Development Services

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## CONSULTATION

The amended application was advertised for 30 days and 7 individual submissions were received and responses from government authorities also provided. A summary of the issues raised in the submissions is provided below. It should be noted that most of the issues raised were also raised in the original advertising and assessment of the application and were addressed in the report to Council on 18 December 1996. As the output or operations of the quarry proposed in the amended application are no different to that previously considered by Council, where appropriate, reference will be made to the previous report.

### 1. Traffic/Road

The main concerns raised in the submissions were regarding the increase in traffic and its effect on vehicle and pedestrian safety and noise generation and vibration. In addition, the likely degradation of Terranora Road was raised as an issue and suggestions were also made that traffic should be diverted to Tumbulgum Road rather than the current route to the east to the Highway. A number of submissions made reference to the trucks speeding. One submission also made specific suggestions as to improvements that could be made to intersections, speed limits and signage along Terranora Road which has previously been reviewed by the Local Traffic Committee and rejected.

### Comments

These issues were previously considered by Council in the determination of the application and have been addressed in Section 90(h)(i)&(j) of the previous report. Additionally, the new submissions have been reviewed by the Engineering Services Division and the following conclusion made:-

*“Most of the above problems exist currently. The proposal increases the heavy vehicles and total traffic volume, however, this is still below the road’s capacity. Many submissions relate to an unreal expectation that urban facilities such as footpaving and cycleways, and kerb and gutter, will be provided in a rural area even though these facilities have never been in or committed to such a road.*

*All issues raised that relate to the development application have been addressed and these issues raised do not justify refusal as there is not solid evidence or any problems such as accident rates involving trucks”.*

As the proposal does not alter the traffic volume from the original proposal which Council has already resolved to approve, it is considered that the amendment to refer to the quarry life being 2-2.5 years is more beneficial to local residents than the previous advertised applications as the effects will be over a shorter period of time.

## Reports from Director Development Services

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### 2. Blasting

A number of submissions raised concerns regarding blasting impacts and that the quarry operations do not notify when blasting will occur. This matter was addressed in the previous report to Council and appropriate conditions placed on the recommended consent.

### 3. Visual impacts, dust, lifestyle impacts

Again, these matters were considered when Council made its previous determination. The reduced quarry life does not alter the situation from that which Council previously considered. One submission identified that extra monitoring was required. This matter has been incorporated in appropriate conditions. Also, a question was raised regarding compensation to landowners for any effects that may result. Any impact on neighbours would be difficult to quantify and compensation is not a matter that Council should become involved with.

### 4. Inadequate Information

One submission stated that a figure in the Environmental Impact Statement is out of date as it does not show all new residences. At the time when Council considered the merits of increasing the output the plan appeared to be satisfactory for the purposes of assessing the development application.

### 5. Rehabilitation

One submission raised concerns regarding the timing of rehabilitation and possible bonding of the works. The previous resolution of Council required a detailed rehabilitation plan to be submitted as part of the quarry plan of management.

In addition to the above submission, comments were also received from various government authorities. A summary of their submissions with comments where relevant are provided below.

#### **NSW Department of Mineral Resources**

The Department is satisfied with the proposed increase in production. Recommend approval of the application.

#### **Northern Rivers Institute of Health and Research**

Council will need to assess impacts such as traffic, noise and vibration. Major concern is that conditions are not exacerbated by additional traffic movements and to ensure that encroachment of rural residential development adjacent to the quarry does not happen in a way that would conflict with conditions generated by quarry operations.

#### **Comments**

These matters were discussed and considered by Council in the previous report.

#### **National Parks and Wildlife Service (NPWS)**

## Reports from Director Development Services

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NPWS has no issues with this proposal.

### NSW Agriculture

- \* Appropriate buffers and dust suppression should be included in the management of the quarry to mitigate impacts on adjoining agriculture.
- \* The EIS does not mention water flows in the creek system that may be affected by the quarry. Agriculture downstream may be a user of the water and if so the quality and quantity of the water leaving the site should be documented and monitored.

### Comments

The recommended condition contains additional dust control measures.

This proposal does not increase the disturbed area of the site compared to that which has already been approved. Water quality/quantity in the creek is not an issue which has raised concerns from Council's Environment and Health Services Unit or the Environment Protection Authority.

### Environment Protection Authority (EPA)

- \* EIS does not include sufficient detail to permit comment on the likely effectiveness of the proposed stormwater treatment system. However, site has been inspected and water quality monitoring records have been reviewed and the EPA is satisfied the control measures in place will minimise potential for the discharge of polluted wastewater, except during periods of exceptional rainfall.
- \* The EIS acknowledges that dust control measures may not be sufficient and EPA has raised this with the operator and the company has agreed to cease operations during times of high wind speed and have installed road and stockpile water systems to minimise the generation of dust. Recent dust monitoring results at residential premises indicates compliance with EPA guidelines.
- \* The EIS states that the noise levels recommended by the EPA are unlikely to be achieved by operations of the quarry (although recent monitoring results indicate compliance with EPA guidelines). The potential for exceedances of the EPA's noise guidelines will decrease when extraction of material moves below natural ground level (due to the creation of a barrier effect). The company has previously monitored the noise and blasting (vibration) operations generated at the site. The noise monitoring (drilling and blasting) should be continued (as recommended in the EIS) and results submitted with the EPA and Council on a six monthly basis.

### Comments

The recommended monitoring has been included in the conditions previously resolved upon by Council.

## Reports from Director Development Services

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### Department of Urban Affairs and Planning

The Department has examined the issues raised in the submissions and notes that some of the information contained in the EIS may no longer be indicative of the true nature of current operations as it is over 2 years old. Additionally, the Department is concerned that the rehabilitation measures do not adequately address the provisions of Clause 18 of the North Coast Regional Environmental Plan 1988.

It is appropriate for Council to determine the application and a Commission of Inquiry is not necessary.

### Comments

Council has already considered the merits of the application and this amendment has only been lodged to seek changes to the intersection upgrading requirements, the passing bay contributions and the method of heavy haulage contributions.

A detailed rehabilitation plan is required as part of the management plan which is to be lodged before the consent becomes operable.

The application was also referred to the Department of Land and Water Conservation and the Regional Advisory Committee. The Department of Land and Water Conservation did not respond and comments made by the Regional Advisory Committee are included in the "Evaluation" Section of this report.

### EVALUATION

The current proposal primarily relates to a request to modify conditions from Council's previous resolution. All other issues do not vary from that previously considered by Council. Therefore, it is not proposed to re-examine these issues. The relevant parts of Council's resolution that require further consideration are discussed below.

1. Part A of the resolution required a Deed of Agreement to be entered into for the payment of a road maintenance levy of 2.5c/tonne/km and also for the payment of \$40,068 towards the provision of overtaking lanes.

When the application was originally considered by Council, Section 94 Plan No. 4 - Tweed Road Development Contribution which incorporates a policy for heavy haulage contributions was not in force. The plan has now been adopted and the plan requires that the contributions be paid by the destination development rather than by the quarries. Therefore, the part of the resolution relating to the road maintenance contribution can be deleted. By letter dated 22 November 1999, the applicant has agreed to pay any money already due by agreement which sets a timetable for payment.

In relation to the payment for overtaking lanes, this matter has been reviewed by the Manager, Works Unit who has advised that some reduction is warranted and in view of

## Reports from Director Development Services

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the reduction in the quarry then one-third of the contribution should be required ie. \$13,355.

2. Condition 6(ii) of the recommended conditions requires upgrading of the existing access to an AUSTRROADS Type C intersection. This was a requirement of the Regional Advisory Committee. Council's Engineering Services Division considered a Type B intersection would have been satisfactory.

After this resolution was made, the applicant made submissions to the RTA to have this requirement reviewed. This review resulted in the RTA raising no objection to a modified layout based on Engineering plans lodged by the applicants consultant as it offers a suitable solution for difficult site conditions. The advice from the Regional Advisory Committee during the advertising of the application is that:-

- i. a maintenance contribution should be paid;
- ii. the intersection should be upgraded to previously agreed standards;

The previously agreed standard is the modified layout approved by the RTA.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

If the applicant is not satisfied with Council's determination of the application they have a right of appeal to the Land and Environment Court.

### OPTIONS

Council can either modify the conditions as requested or resolve not to modify the conditions.

### CONCLUSION

This application only modifies that which was previously considered by Council in respect of the anticipated quarry life and therefore the applicant has requested changes to recommended conditions in respect of road maintenance upgrading and intersection conditions. These changes have been discussed in the evaluation section of this report and it is considered that changes to the recommended conditions are warranted due to the reduced quarry life.

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# Reports from Director Development Services

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## Reports from Director Development Services

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### 8. ORIGIN: Development Control Unit

**FILE REF: DA4300/673 Pt1**

#### REPORT TITLE:

**Proposed Managers Residence and Pro Golf Shop at Lot 1 DP 874316 Piggabeen Road, Cobaki**

#### SUMMARY OF REPORT:

On 5 May 1999, Council resolved to defer a development application for a managers residence at the driving range on Piggabeen Road for a 6 month period to allow the owner to establish the driving range. The 6 month period has lapsed and Council's resolution has not been complied with. It is recommended that the application now be refused.

#### RECOMMENDATION:

That Development application K99/236 for the erection of a managers residence and pro golf shop at Lot 1 DP 874316 Piggabeen Road, Cobaki be refused for the following reasons:-

1. The proposed managers residence would contravene the requirements of Tweed Local Environmental Plan 1987 as the size, cost and character of the proposal is not of the nature where it could be considered as being an ancillary use to the driving range on the site.
2. The proposed structure would be classed as a dwelling according to the definition contained within Tweed Local Environmental Plan 1987 and this plan, and the title of the property specify that a dwelling is not permitted on the subject land.
3. It would not be in the public interest to enable a structure of this size to be classed as a managers residence or to enable this nature of structure to be erected on a lot which does not have entitlement to a dwelling.
4. The driving range has not been established in accordance with the development consent (93/405) and has not been operated as an entirely separate entity to the adjoining golf course.
5. The driving range, at present, would not require the construction of a manager's residence.



## Reports from Director Development Services

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### REPORT:

**Applicant:** Mr G Harris  
**Owner:** Mr D & Mrs B Fox  
**Location:** Lot 1 DP 874316 Piggabeen Road, Cobaki  
**Zoning:** 1(a) Rural  
**Est. Value:** \$120,000

### BACKGROUND

Council received a development application on 24 February, 1999 for the establishment of a managers residence and pro golf shop at Lot 1 DP 874316 Piggabeen Road, Cobaki. The application was reported to Council on 5 May, 1999 with a recommendation for refusal for various reasons. A copy of this report submitted to the Council meeting is attached.

When considering this matter Council resolved as follows:-

*“RESOLVED that:-*

A. *Development application K99/236 for the erection of a managers residence and pro golf shop at Lot 1 DP 874316 Piggabeen Road, Cobaki will be reconsidered when the Director is satisfied that:-*

1. *All conditions of development consent (93/405) have been fully complied with.*
2. *The driving range is to be operated as an entirely separate entity to the adjoining golf course.*
3. *The residence will only be used in conjunction with the driving range and the maintenance of the rest of the land.*

*These details to be provided and compliance achieved within six (6) months.*

B. *The applicant be advised that an application to erect a pro golf shop and maintenance shed on the site is likely to be supported by Council.”*

Council's resolution allowed a 6 month period for the applicant to demonstrate compliance with the matters listed in points 1, 2 and 3 above. Details were to be provided and compliance achieved within the 6 month period however this 6 month period has since lapsed and no further correspondence has been received from the applicant regarding the matter. The applicant was advised on 17 November, 1999 that the 6 month period had lapsed and that no correspondence had been received and that the development application would now be reported to Council for determination. The owner of the property has also verbally advised that the applicant for the managers residence, Mr Granville Harris, no longer wishes to proceed with purchase of the property and it would be appropriate for Council to close its files on the matter.

Accordingly, the application is recommended for refusal as detailed in the report to Council on 5 May, 1999.

# Reports from Director Development Services

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## Reports from Director Development Services

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### 9. ORIGIN: Strategic Town Planning Unit

FILE REF: GT1/ILAP/14 Pt3

#### REPORT TITLE:

**Bilambil Heights Release Area/Provision of Tweed Shire 2000 Plus Strategic Plan**

#### SUMMARY OF REPORT:

A request from Bilambil Heights landowners for an extension to the time frame for coordinated planning and funding of infrastructure provision for Bilambil Heights Release Area was granted at the Council meeting of 15 December, 1999 in terms of a detailed report being required for the Council meeting of 19 January, 2000. Given issues concerning the Lakes Drive Bridge and the preferred route decision on the Tugun Bypass, the Distributor Road network for this sector of the Shire is currently the subject of review by Council. (A Council workshop on these issues is to be held in February). This request cannot be determined in isolation from that review. The report to the meeting of 15 December, 1999 is Annexure 1.

#### RECOMMENDATION:

That the provisions of Policy 114 of the Tweed Shire 2000+ Strategic Plan in respect of Bilambil heights be extended until 31 March, 2000 to enable Council to make a fully informed decision in respect of the Distributor Road network in the northern sector of the Shire; has convened a Workshop to consider the positions of the Landowner Groups at Bilambil Heights and "Area E" Terranora; and has fully considered the Strategic Planning and Tweed Development Program issues.

# Reports from Director Development Services

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## REPORT:

### INTRODUCTION

A request was received from landowners at Bilambil Heights for a three year extension to the time frame provided in the Tweed Shire 2000+ Strategic Plan for their commitment to coordinated planning and infrastructure provision. Council consequently resolved on 15 December, 1999 that:

*“Council provides an extension until 19 January 2000 for decision-making on the position of the Bilambil Landowners Group in relation to Policy 114 of the Tweed Shire 2000+ Strategic Plan and notes that the Director of Development Services will provide a further report on this matter to the Council meeting of that date”.*

This report sets out the strategic planning and policy framework for Bilambil Heights, and the background to that framework; the current position with regard to infrastructure provision for Bilambil Heights; and options for Council consideration.

### 1. PLANNING POLICY FRAMEWORK

The Bilambil Heights “Release Area” was subject of planning and subsequent zoning in 1990 as 2(c) Urban Expansion and Part 1(c) Rural Residential. At that time the approach was to zone urban land in anticipation of the availability of engineering infrastructure. Council has subsequently developed appropriate and integrated strategies for the provision of infrastructure for Urban Release Areas over a 20 year period. (Tweed Shire 2000+ Strategic Plan and Tweed Development Program).

There are major infrastructure requirements for Bilambil Heights. The Lower Tweed Transportation Study allowed for this Release Area in the identified road network. A major element in this is Lakes Drive Bridge, which was programmed for the longer term. To bring forward the release of Bilambil Heights, coordinated planning and infrastructure funding and provision is crucial.

The following provision in the Tweed Shire 2000+ Strategic Plan:

*“Policy/Action No. 114:-*

*114. **Long Term urban Release** The Bilambil Heights Release Area has major infrastructure impediments and requires a comprehensive multi-ownership planning approach. If after three years no commitment has been given by landowners for infrastructure at Bilambil Heights, then Area E at Terranora should be considered for release subject to other strategic plan requirements”.*

That Plan was adopted on 16 December, 1996. The three year period expired last month, hence the recent request by Bilambil Heights landowners.

## Reports from Director Development Services

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### 2. CURRENT SITUATION

A Development Application was lodged for the construction of the Lakes Drive Bridge and this led to substantial local opposition to the extent that Council has been investigating alternative strategies for the distributor road network in this sector of the Shire. The decision on the preferred route for the Tugun Bypass is also a critical aspect of this review. This review has crucial implications for Bilambil Heights.

At the Council Meeting held on 15 December, 1999 a report on the traffic impacts of Cobaki Lakes Development on the Distributor Road network was considered and Council resolved to defer a decision given representations for further consultation by LEDA Developments. Although this report included the implications of the uncertainty of the Lakes Drive Bridge in terms of Cobaki Lakes, it also had implications for the development of Bilambil Heights.

The implications of the removal of Lakes Drive Bridge are being examined by the Manager, Planning and Design. Preliminary conclusions are that Lakes Drive Bridge could be removed from the network, but in terms of Bilambil Heights, its release for development could not occur prior to full completion of the Tugun Bypass, the Cobaki Parkway, and the Scenic Drive connector link to Piggabeen.

The effective consequence of this Strategy, if adopted by Council, is that Bilambil Heights must be seen as a long term urban release.

A Council Workshop has now been arranged for February. The request by Bilambil Heights landowners cannot be determined in isolation from the deferred northern sector distribution road network/Cobaki Lakes review; and therefore should similarly be deferred.

#### i. Zoning of Bilambil Heights

If there are infrastructure impediments for the short/medium term release of this land, these impediments should be reflected in the statutory planning framework for the land. As long as the land is zoned 2(c) there is always the possibility of the lodgement of a Development Application, and the resultant piecemeal development of the land. In terms of planning and cost effective provision of infrastructure this is totally inappropriate. The reality is that the zoning of the Bilambil Heights Release Area was premature. The options open to Council are:

1. leave it as it is at present with the risk of piecemeal development applications;
2. backzone the land to Rural and only rezone it Urban Expansion when all infrastructure is properly planned;
3. Creation of a new zone which reflects the impediments to release and its status as a long term, rather than short term, urban release area;
4. Retain the current zone and rely on development control provisions to resist development until infrastructure is available. The DLEP includes the following:

*“3.4 Availability of essential services*

## Reports from Director Development Services

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(1) *Objectives*

- *to ensure that development does not occur without adequate measures to protect the environment and the community's health.*
- *to ensure that development occurs in a coordinated and efficient manner and that costs attributable to it are borne by the development.*

(2) *The council must not grant its consent to the carrying out of development on any land unless:*

- (a) *a water supply and facilities for the removal or disposal of sewage and drainage are available to that land: or*
- (b) *arrangements satisfactory to the council have been made for the provision of that supply and those facilities”.*

This could be supplemented with requirements for road infrastructure; or alternatively a specific clause relating to Bilambil Heights could be formulated.

**ii. Zoning of “Area E”, Terranora**

The rezoning of Area E has been debated over many years. The Tweed Shire 2000+ Strategic Plan gives a clear message: if Bilambil Heights does not proceed, then Area E will be considered “*subject to other strategic requirements*”. There are major planning issues raised by the proposed rezoning of “Area E” - most notably water quality and impacts on Terranora Broadwater. Another significant factor is the Strategic Town Planning Work Program. Any decision should be made in the context of the next review of that Program.

**3. CONCLUSION**

These options are presented for discussion purposes only at this stage. Any finalisation would be premature pending the resolution of the Distributor Road network. In the meantime, the current Policy in respect of Bilambil Heights and Area E should be retained and the request from Bilambil Heights landowners be determined following that resolution.

## Reports from Director Development Services

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**10. ORIGIN: Subdivision Unit**

**FILE REF: DA1460/1370 Pt1**

**REPORT TITLE:**

**Proposed Two (2) Lot Subdivision at Lot 3 DP 828298 Chinderah Road, Cudgen**

**SUMMARY OF REPORT:**

An application has been received proposing a two lot subdivision of the abovementioned land to enable the creation of a separate lot over the existing fruit stall and packing shed to allow that lot to be disposed of. Council has previously acknowledged that the fruit stall and packing shed has existing and continuing use rights and in addition Council has approved a development application for the intensification of the retail component of the existing fruit stall, however, acknowledgment of existing use rights was not recommended. It is still considered that approval of the current subdivision development application would be inconsistent with the existing use provisions of the Environmental Planning and Assessment Act, 1979 and also inconsistent with Tweed Local Environmental Plan 1987 and draft Tweed Local Environmental Plan 1998.

**RECOMMENDATION:**

That the application for a 2 lot subdivision at Lot 3 DP 828298 Chinderah Road, Cudgen be refused for the following reasons:-

1. The State Environmental Planning Policy No. 1 objection is not well founded.
2. Approval of the application would be inconsistent with Tweed Local Environmental Plan 1987 and draft Tweed Local Environmental Plan 1998 as proposed Lot 1 does not comply with the minimum area requirements contained in those plans.

## Reports from Director Development Services

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### REPORT:

#### PROPOSAL

An application has been received seeking approval for a two (2) lot subdivision at Lot 3 DP 828298 Chinderah Road, Cudgen.

The land has an area of approximately 13.27ha and has frontage to Chinderah and Cudgen Roads. The land is generally flat and partially cleared and partially vegetated. Existing improvements include a packing shed. The packing shed is located on a small area of land, (proposed Lot 1) approximately 2068m<sup>2</sup>, located on the corner of Chinderah Road and Cudgen Road. This area of land is isolated from the remainder of Lot 3. The proposal is to subdivide Lot 3 into 2 lots as follows:-

- Lot 1 - 2068m<sup>2</sup>, frontage to Chinderah Road and Cudgen Road. Existing improvements include a packing shed
- Lot 2 - 13.07ha, frontage to Chinderah Road - vacant.

A State Environmental Planning Policy No. 1 (SEPP1) objection accompanies the application seeking to vary the 40ha minimum standard in the 1(d) and 7(l) zones of the Tweed Local Environmental Plan 1987.

Generally, the purpose of the subdivision is to excise that part of the subject land which is already severed from the larger part to create 2 separate allotments.

#### HISTORY

In January 1998 it was brought to Council's attention that farm produce was being sold on the subject land (Proposed Lot 1). The matter was reported to Council's meeting on 16 September, 1998 with the following recommendation:-

*"That the occupier of the unauthorised fruit stall at part Lot 3 DP 828298 Cudgen Road, Cudgen be advised that:-*

- 1. Based on the information provided Council does not acknowledge existing use rights for the sale of fruit and vegetables from the site and operations are to cease within 14 days of notification or legal proceedings will be initiated.*
- 2. Based on the information provided Council does not acknowledge continuing use rights for a packing shed (rural industry) and operations are to cease within 14 days of notification or legal proceedings will be initiated.*
- 3. Council could consider a development application for a packing shed (rural industry) with strictly no retail of products".*

At that meeting, Council resolved as follows:-

***"RESOLVED*** that the operator be informed that Council:



## Reports from Director Development Services

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1. *Does not dispute claims of existing and continuing use rights for a packing shed and retail component at this time, but reserves the right to take further evidence on this question.*
2. *Is of the view that the retail use has intensified and/or expanded since 1964, and that accordingly, a development application will be required if these uses are to continue.*
3. *Requires that use of the site for sale of fruit and vegetables is to cease within 40 days unless a development application for this use is lodged within that time.*
4. *Is not able to decide whether or not to approve retail sale of fruit and vegetables at the site until it has before it a development application clearly describing the activity proposed, the means of access and other relevant considerations.*
5. *Can assist with a list of matters which need to be addressed in a development application.*
6. *Will defer the question of access to Cudgen Road until a Development Application is submitted”.*

On 14 December, 1998, Council received a development application seeking approval for an intensification of the retail component of the existing fruit stall and packing shed.

A report on the application went to Council's meeting held 16 June 1999 with the following recommendation:-

*“That the Development Application submitted by Dean Akers for intensification of the retail component of the existing development situated at Part Lot 3 DP 828298 Cudgen Road, Cudgen be refused for the following reasons.*

1. *The proposed use is prohibited within the zone and insufficient information has been submitted to establish existing use rights.*
2. *The proposed signage is inconsistent with the aims and objectives of Development Control Plan No 15 (DCP15) - Advertising Signs. The signs are visually intrusive, detract from the character of the area and create an undesirable precedent.”*

At that meeting Council resolved as follows:-

*“....that Council indicates its support for the development application and the Director Development Services bring forward conditions appropriate in the event of Council resolving to approve this application.”*

At Council's meeting of 7 July, 1999 Council resolved to approve the application and Consent No. K98/834 was issued on 20 July, 1999.

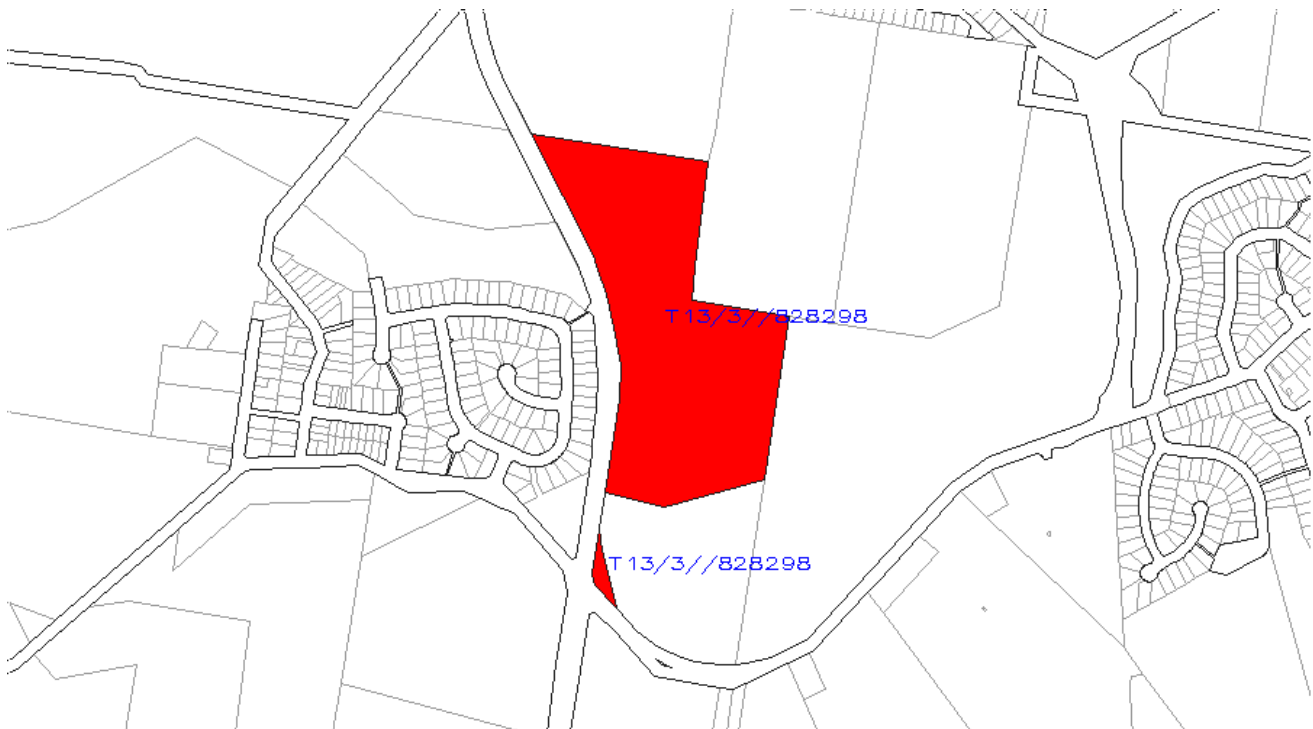
Lot 3 (proposed Lot 2) is subject to draft Local Environmental Plan Amendment No. 10. This amendment proposes to rezone the land within proposed Lot 2 zoned 1(d) Development

## Reports from Director Development Services

Investigation to 2(c) Urban Expansion. The existing 7(l) zone is to remain unchanged. This amendment is in relation to that part of Lot 3 (proposed Lot 2) which was deferred from the provisions of Amendment No. 10 to the Tweed Local Environmental Plan 1997 and this will finalise the rezoning of the land.

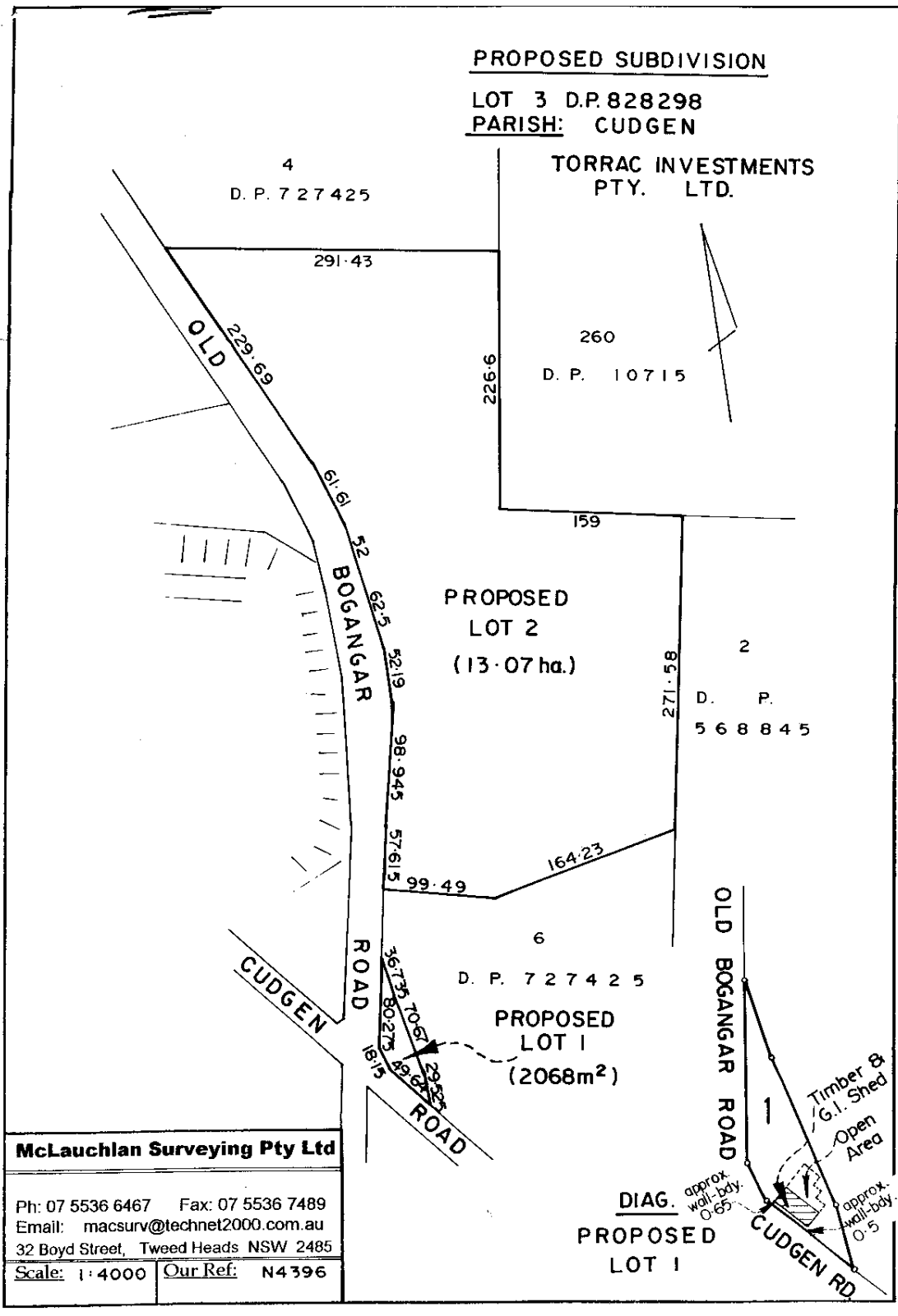
The draft Tweed Local Environmental Plan 1998 also proposes to rezone that part of the land containing the packing shed, (proposed Lot 1 - 2068m<sup>2</sup>) from 1(d) Development Investigation to 1(b1) Agricultural Protection.

**Figure 1**



# Reports from Director Development Services

Figure 2 - Subdivision Plan



**McLauchlan Surveying Pty Ltd**

Ph: 07 5536 6467 Fax: 07 5536 7489  
 Email: macsurv@technet2000.com.au  
 32 Boyd Street, Tweed Heads NSW 2485

Scale: 1:4000 Our Ref: N4396

## Reports from Director Development Services

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### SECTION 79(C)(1) ASSESSMENT

The application has been assessed under Section 79(C)(1) of the Environmental Planning and Assessment Act, 1979.

(a) (i) **Tweed Local Environmental Plan 1987 (TLEP 1987)**

The subject land is zoned Part 1(d) Development Investigation and Part 7(1) Environmental Protection (Habitat) and the proposal is permissible with Council's consent subject to each lot having an area of not less than 40ha. The subject lots do not comply with the relevant development standard and therefore the application is accompanied by a SEPP1 objection which contends that development standard in Clause 32(2) of TLEP 1987 is unreasonable and unnecessary on the basis that proposed Lot 1 is already fragmented from proposed Lot 2 and both lots are generally consistent with the objectives of the 1(d) Development Investigation zone. In this regard the land within proposed Lot 2 has been identified and resolved by Council to be partly rezoned to 2(c) Urban Expansion. The draft LEP 1998 has also proposed to rezone proposed Lot 1 to 1(b) Agricultural Protection. The existing 7(1) zone on the subject land is to be located entirely within proposed Lot 2 and is not to be fragmented by this proposal.

#### Comments

For the reasons put forward by the applicant, it is considered that the objection is well founded and should be supported, if Council is satisfied that the current use of proposed Lot 1 has existing use rights.

In correspondence dated 18 November, 1999, the Director-General of the Department of Urban Affairs and Planning has granted concurrence to this SEPP1 objection to vary the 40ha development standard contained in Clause 32(2) of the TLEP1987.

#### Draft Tweed Local Environmental Plan 1998

As discussed, this plan proposes to rezone that land within proposed Lot 1 from 1(d) Development Investigation to 1(b1) Agricultural Protection.

The proposal (proposed Lot 1) is inconsistent with Clause 4.1(2)(b) of this draft Plan which requires a minimum of 10ha. Proposed Lot 1 is well below the minimum of 10ha (2068m<sup>2</sup>) and the applicant has provided the following:-

*“Lot 1 with existing use rights established over a long period does not in any way compromise any utilisation of the adjacent Lot 6, or any other holding in the locality.*

## Reports from Director Development Services

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*The creation of Lot 1, which virtually exists at present, does not represent fragment of agricultural land. The current activity is totally compatible with nearby uses, being a final stage of agricultural production.*

*The objective of the standard in one case is to prevent fragmentation of prime agricultural land, while in the other to avoid creation of lots or activities which may prejudice or compromise broader development in the locality in future.*

*While the area of Lot 1 is substantially below the minimum requirements of 40ha and 10ha respectively, it is not inconsistent with the objective. The existing use precludes expansion of cropping onto the site, which in its severed isolation, is not viable or of any worth agriculturally. It is thus logical to conclude that the proposal is not inconsistent with the objectives of the standard in the 1(b) zone. Similarly, with the existing 1(d) Development Investigation zone, the Lot 1 parcel is a fait accompli, following from road realignment.”*

### **Comment**

As this plan is still in draft form no formal SEPP1 objection is required. However, this issue still needs to be addressed to Council’s satisfaction and for the reasons put forward by the applicant it is considered that the proposed variation to Clause 4.1(2)(b) of the draft TLEP 1998 is well founded.

### **(ii) Development Control Plans (DCPs)**

#### **DCP16 - Subdivisions Manual**

The application is generally consistent with the provisions of this Plan.

### **(b) The likely impacts of that development on the environment**

It is considered that development is unlikely to have a significant effect on the environment. The only physical works required will be the construction of driveway accesses, extension of sewerage reticulation and footpaths.

### **Services**

Proposed Lot 1 already has reticulated water supply but no sewer service. Proposed Lot 2 does not have water or sewer services.

It is considered that a sewer service should be provided to proposed Lot 1. However, consent No. K98/834 for the intensification of retail component in fruit stall and packing shed (proposed Lot 1) requires the connection of sewer to the site. Any consent should be conditioned to require compliance with Consent K98/834.

## Reports from Director Development Services

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The provision of water and sewer services to proposed Lot 2 will be required when the land is rezoned and a development application is received to subdivide the land.

### **Contributions**

It is considered that water and sewer headworks charges should not apply to proposed Lot 2 as they will be levied when the lot is rezoned and a development application is approved.

In relation to proposed Lot 1 it is considered that the only Section 94 contribution applicable is the road contribution under Section 94 Plan No. 4. In this regard, again Consent No. K98/834 requires a road contribution in accordance with the Section 94 Plan No. 4. Accordingly, it is considered that any consent should be conditioned to require compliance with Consent K98/834.

### **(c) Suitability of the Site for the Development**

The land is generally suitable for the proposed development and there are no apparent absolute constraints which would preclude approval of the application.

### **(d) Any Submissions made in accordance with the Act or Regulations**

The application is not required to be advertised or publicly notified and no submissions have been received.

### **(e) Public Interest**

In the circumstances of the case and having regard to the history of the subject land, it is considered that approval of the application would be consistent with the public interest.

### **Comments from Engineering Services Division**

No objections raised.

### **Comments from Environment and Community Services Division**

No objections raised.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS**

In the event that the applicant is dissatisfied with Councils determination, a right of appeal exists to the Land and Environment Court. The proposed development is not designated and as such no third party appeal rights exist.

### **OPTIONS**

It would appear that in this instance the following options are available to Council:-

1. Refuse the application.

## Reports from Director Development Services

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2. Approve the application subject to appropriate conditions.

### CONCLUSION

Taking into consideration the history of the subject land with regard to the packing shed and the recommendations put to the Council meeting on 16 September 1998 and 16 June 1999 which generally did not acknowledge existing or continuing use rights for that use, it is considered that the application should be refused.

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## Reports from Director Development Services

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### 11. ORIGIN: Development Control Unit

**FILE REF: DA4840/645 Pt1**

**REPORT TITLE:**

**Proposed Model Aircraft Flying Club - Round Mountain Road, Round Mountain**

**SUMMARY OF REPORT:**

A development application was issued on 18 December 1998 for the use of the subject land for flying model aircrafts. The consent was limited for 12 months so that Council could monitor the impact of the activities on the residents in the locality. A new development application has been lodged proposing to extend the approval for a further five (5) years. It appears as though the club has been operating satisfactorily and the current proposal is suitable for conditional consent. The applicant has requested that a road contribution not be applied to any consent.

**RECOMMENDATION:**

That the development application lodged by Mr B Sawtell and Mr B Gander for the use of Lot 1 DP 1001025 Round Mountain Road, Round Mountain for the flying model aircraft be approved subject to the following conditions:-

**General**

1. The development shall be completed and operate generally in accordance with submitted application and acoustical report by Craig Hill Acoustics dated August 1998 and amended details dated 17 September 1998, except where varied by these conditions.
2. This consent is limited to 5 years from the date of issue. A further development application will be required to be lodged and approved for continued operations after this period.
3. The flying of model aircraft is limited to the following hours of operation:-
  - (i) Monday to Sunday - 9.00am to 5.00pm
  - (ii) A maximum of 16 hours in any week measured from Monday to Sunday.
4. There shall be a maximum of three (3) planes flying at any one time with all planes flying in a right hand circuit in accordance with the site plan submitted with the August 1998 acoustic report.
5. The maximum noise level from the planes shall be 96dBA when recorded with motors at full throttle at 3m measuring distance.



## Reports from Director Development Services

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6. There shall be no increase in noise levels above background levels caused by model plane flying activities when measured from any receiving residential premises.
7. Solid waste disposal receptacles and on site sewerage management facilities shall be provided to the satisfaction of the Director Environment and Community Services at all times that model aircraft are operated on the site.
8. All planes shall remain within the flight area identified in the acoustic report site plan.
9. The use to be conducted so as not to, in the opinion of Council, cause disruption to the amenity of the locality, particularly by way of the emission of noise, dust, fumes or the like.
10. Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan within 2 months of the date of this consent. These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads

- |  |          |
|--|----------|
| a. Tweed Road Contribution Plan:                         | \$848.00 |
| Section 94 Plan No 4 (Version 4.0) Commercial (Sector 8) |          |

## Reports from Director Development Services

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### REPORT:

**Applicant:** B Sawtell & B Gander  
**Owner:** Rossel Pty Ltd  
**Location:** Lot 1 DP 1001025 Round Mountain Road, Round Mountain  
**Zoning:** Part 1(a) Rural, Part 7(a) Environmental Protection (Wetlands) Zone

### BACKGROUND/PROPOSAL

Development consent 98/140 was issued on 18 December 1999 for the use of the subject land for a model aircraft flying club. This consent was limited for a period of 12 months so that the activities could be monitored as the application raised concerns regarding noise generation and impact on neighbours. The subject land also contains a quarry and the Round Mountain Jet Spring track.

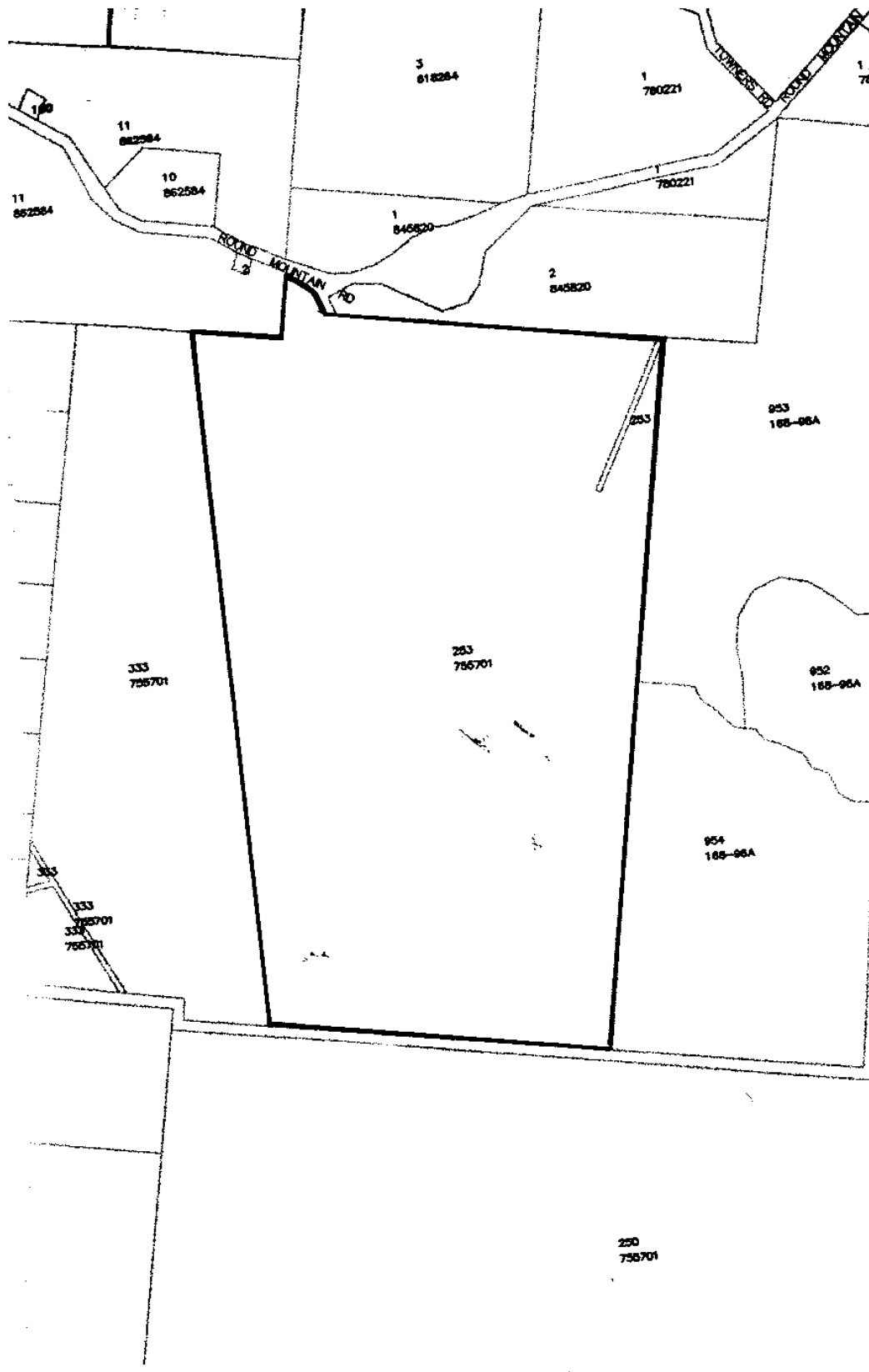
A new development application has been received to extend the use of the site for a model aircraft flying club by a further 5 years. No changes to the operating conditions are proposed from that which was previously approved by Council. The club was limited in hours of operation from 9.00am to 5.00pm Monday to Sunday with a maximum of 16 flying hours per week. The number of planes flying at any one time was limited to 3 and the flight area was defined.

There is no evidence of complaints being received over the last 12 months and the notification of the application received one submission.

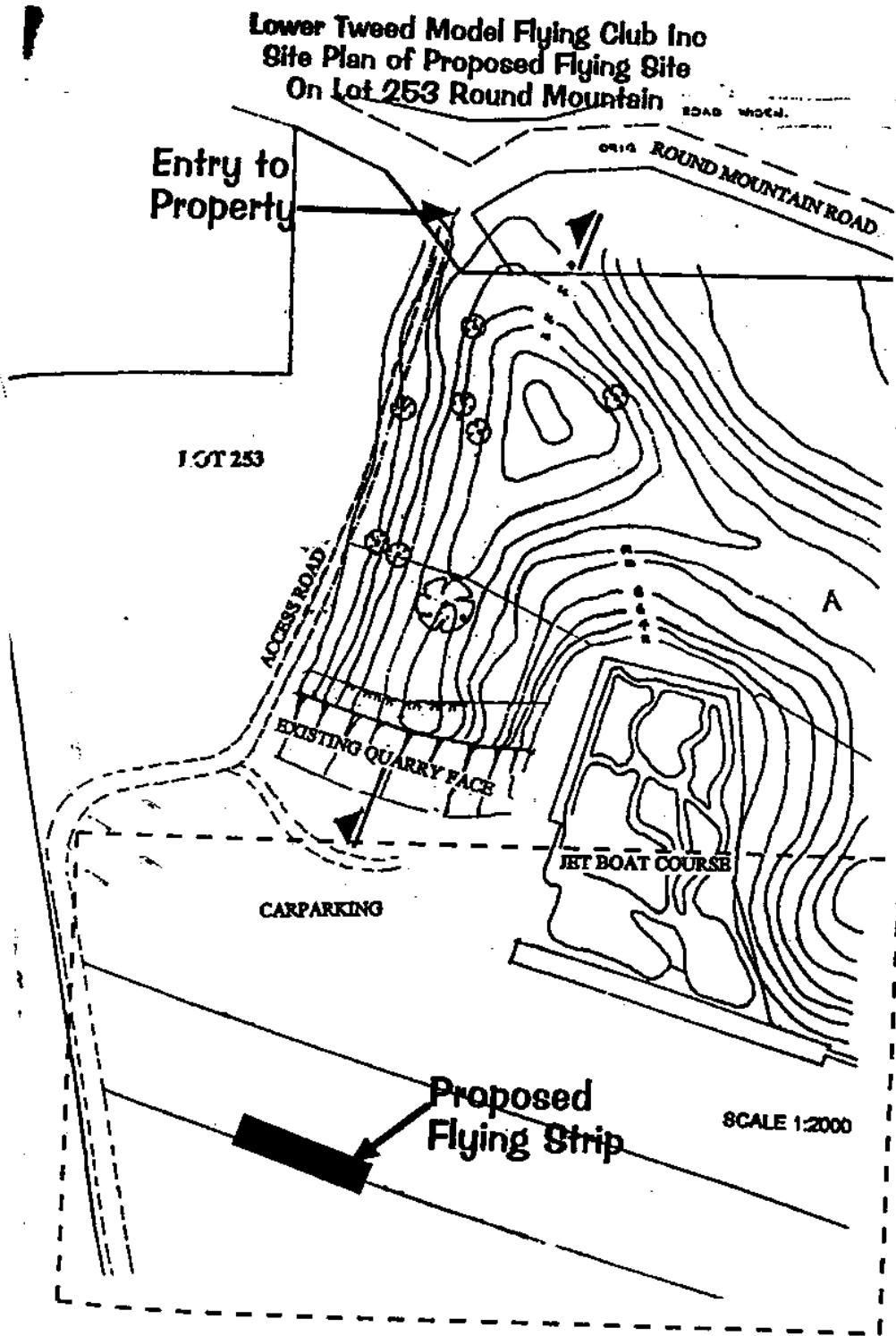
The subject land has an area of 86.51 hectares. The area is generally rural in character with a number of dwellings in the surrounding locality.

The subject land is shown on Figure 1 and Figure 2 shows the layout of the site.

# Reports from Director Development Services



# Reports from Director Development Services



## Reports from Director Development Services

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### CONSULTATION

The application was notified to twenty-one property owners in the locality and 14 days were given to view the plans and make submissions. Only one submission was received. The issues raised in this submission are summarised below:-

1. The airspace utilised by the model aircraft must not encroach over the Koala Beach residential estate.

*Comment: The airspace which is used is within the subject land and does not encroach on any other properties.*

2. The approval should be limited to one year to allow Council and the community an opportunity to review the ongoing operation.

*Comment: The use has already been limited to one year with no apparent problems during this period.*

3. The hours of operation should be restricted to minimise noise impact.

*Comment: Any consent will include conditions to limit hours of operation in accordance with the limitations contained in the previous consent.*

### EVALUATION

An assessment of the application under Section 79c(i) of the Environmental Planning and Assessment Act 1979 is provided below:

**(a) (i) The Provisions of Any Environmental Planning Instrument**

Tweed Local Environmental Plan 1987 (TLEP 1987)

The subject land is zoned part 1(a) Rural, part 1(b2) Agricultural Protection and part 7(a) Environmental Protection (Wetlands) zone under the provisions of the TLEP 1987. The area of land in which the activities are to be carried out is zoned 1(a) Rural. The proposal falls under the definition of "recreation area" and is permissible with the consent of Council.

The subject land has frontage to Round Mountain Road which is a designated road. Access is from this road. It is considered that traffic generated by this proposal will not be significant and will not significantly compromise the safety or efficiency of Round Mountain Road.

The proposal is generally satisfactory in respect of the considerations contained within Schedule 3 of the TLEP 1987.

North Coast Regional Environmental Plan 1988

The proposal does not raise any significant issues relating to the Regional Plan.

## Reports from Director Development Services

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### State Environmental Planning Policies (SEPPs)

No particular SEPPs apply to the proposal.

(a) (ii) **The Provisions of Any Draft Environmental Planning Instrument**

The draft Tweed Local environmental Plan 1998 does not have any major implications for the proposal.

(a) (iii) **Any Development Control Plan**

### Development Control Plan No 2 - Site Access and Parking Code

This DCP does not contain specific requirements for these types of facilities and parking therefore needs to be assessed on individual merits. It is considered that there is adequate car parking on site for the proposed use.

(b) **The likely impacts of the Development including impacts on both the natural and built environment, and social and economic impacts in the locality**

### Environmental Impact

The scale of the proposal is such that it is considered that the development will generally be compatible with the local environmental. There are no substantive changes proposed to the actual physical environment.

### Adjoining Land

The surrounding land is generally rural in character. There are a number of dwellings in the general locality and subject to a limitation on the hours of operation and a restriction on the flying areas that were contained in the previous application, no significant conflicts are envisaged.

### Amenity

The main concern with the previous application was the potential impact on amenity through noise from the model aircraft. The use has been operating for the previous 12 months without any complaints being recorded. Any new consent will contain the same restrictions on hours of operation, number of aircraft flying and the flying area as the previous consent.

### Traffic/Access

As previously discussed, access is from Round Mountain Road. The applicant estimates that the use will generate between 21 and 31 vehicles to the site per week. Based on this estimate a Tweed Road Development Contribution of \$848 applies for a five year approval. The applicant previously paid a contribution of \$518 for the one year approval.

## Reports from Director Development Services

The applicant has requested that any contribution be waived. However, Council at its meeting of 5 May, 1995 considered a report concerning waiving of Section 94 contributions. At this meeting it was resolved:-

*“RESOLVED that unless exempted by legislation, development applications for works of public benefit submitted by or for charities, community groups, public bodies and religious organisations, which generate a demand for provision or increase in public amenities and services as identified in an adopted Section 94 Contributions Plan will be liable for the payment or contribution as set out in such plan.”*

### Social/Economic Impacts

The proposal is not likely to result in adverse social or economic impacts.

**(c) The suitability of the site for the development**

It is considered that the site is suitable for the scale of development proposed. Adjacent landuses do not pose a prohibitive constraint to the proposal.

**(d) Any submission made in accordance with the Act or regulations**

As previously discussed, the application was notified and one submission received. Details of this submission have been included in the ‘consultation’ section of this report. It is considered that the issues raised in the submission do not warrant refusal or modification of the application.

**(e) The public interest**

The proposal does not conflict with the Tweed Shire 2000+ Strategic Plan. It is considered that the proposal is not contrary to the public interest and will provide some public benefit by providing a recreation area. These types of facilities are somewhat limited in the Shire.

### **LEGAL/RESOURCE/FINANCIAL IMPLICATIONS**

In the event that the applicant is dissatisfied with Council’s determination of the application, the applicant has a right of appeal to the Land and Environment Court.

### **OPTIONS**

In this instance Council’s options appear to be limited to the following:-

1. Approve the application subject to conditions; or
2. Refuse the application.

## Reports from Director Development Services

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### CONCLUSION:

The application has been reviewed by Council's environment and Health Services Unit and no objections raised subject to the imposition of conditions concerning noise control.

The use has been operating satisfactorily for 12 months and it is considered suitable to approve the application to continue the use for a further 5 years.

Council should incorporate the Section 94 contribution for roads as a condition of consent in accordance with adopted policy.

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# Reports from Director Development Services

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## Reports from Director Development Services

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### 12. ORIGIN: Development Control Unit

**FILE REF: DA2035/335 Pt1**

#### REPORT TITLE:

**Proposed Erection of a Detached Dual Occupancy at Lot 319 DP 853944 Federation Drive, Terranora**

#### SUMMARY OF REPORT:

The proposal involves the erection of a detached dual occupancy at Lot 319 DP 853944 Federation Drive, Terranora. Dwelling one is proposed as a two storey building and dwelling two is proposed as a single storey building. The subject site is located on the western side of Federation Drive and comprises a total site area of 1103m<sup>2</sup>. The site is currently vacant. Previously there was no sewer capacity for Council to consider dual occupancy development in Terranora Village however, as a result of additional sewer capacity, Council is now able to consider development applications for dual occupancy developments in this location. The proposal was notified to adjoining properties which were given 14 days in which to make any submissions. 17 letters of objection and a petition comprising 82 signatures has been submitted to Council. The proposal does raise a key issue of precedent for dual occupancy development in Terranora Village.

#### RECOMMENDATION:

That the development application K99/1674 lodged by David Perry Homes for a detached dual occupancy at Lot 319 DP 853944 Federation Drive, Terranora be approved subject to the following conditions:-

#### PRE-REQUISITES

1. (i) Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 94 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" signed by an authorised officer of Council.

These charges will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

## Reports from Director Development Services

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

**(ii) GST**

In this Clause:

- “GST means a Federal Government tax imposed on the supply of goods and/or services or a similar tax.
- Any contributions and levies, whether monetary by dedication of land, or otherwise, imposed as a condition of this development consent and all other moneys payable by and on behalf of the applicant under this development consent are exclusive of GST.
- Liability for GST (payable in respect of any taxable supply) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other money are payable under this consent.
- The Council will issue to the applicant, within twenty-one (21) days of a request from the applicant, a tax invoice of the levies or contributions paid by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

a. Tweed Road Contribution Plan: \$5,342.00

S94 Plan No. 4 (Version 4.0)

Terranora (Residential)

b. Open Space (Structured): \$220.00

S94 Plan No. 5

c. Shirewide Library Facilities:

\$150.00

S94 Plan No. 11

d. Eviron Cemetery/Crematorium Facilities: \$44.00

S94 Plan No. 13

e. Emergency Facilities (Surf Lifesaving)

\$41.40

S94 Plan No. 16

## Reports from Director Development Services

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- f. Extensions to Council Administration Offices  
& Technical Support Facilities \$178.35  
S94 Plan No. 18
- g. Cycleways \$50.00  
S94 Plan No. 22

2. A **certificate of compliance** (CC) under Part 3 Division 2 of the Water Supply Authorities Act 1987 is to be obtained from Council to verify that the necessary requirements for the supply of water and sewerage to the development have been made with the Tweed Shire Council.

Pursuant to Clause 79H of the Environmental Planning and Assessment Regulations, 1994, a Construction Certificate shall **NOT** be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Certifying Authority has sighted Council's "Contribution Sheet" and a "Certificate of Compliance" signed by an authorised officer of Council.

Annexed hereto is an information sheet indicating the procedure to follow to obtain a Certificate of Compliance:

### **GST**

In this Clause:

- "GST means a Federal Government tax imposed on the supply of goods and/or services or a similar tax.
- Any contributions and levies, whether monetary by dedication of land, or otherwise, imposed as a condition of this development consent and all other moneys payable by and on behalf of the applicant under this development consent are exclusive of GST.
- Liability for GST (payable in respect of any taxable supply) is additional. It is payable by the applicant to the Council at the same time as all and any contributions, levies and other money are payable under this consent.
- The Council will issue to the applicant, within twenty-one (21) days of a request from the applicant, a tax invoice of the levies or contributions paid by the applicant adjusted by the rate of the GST in accordance with the requirements of the relevant legislation.

Water: \$3,420.00

Sewer: \$2,820.00

## Reports from Director Development Services

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Terranora Village Sewer Levy      \$458.00

These charges to remain fixed for a period of twelve (12) months from the date of this consent and thereafter in accordance with the rates applicable in Council's adopted Fees and Charges current at the time of payment.

**Note:** The Environmental Planning and Assessment Act, 1979 (as amended) makes no provision for works under the Water Supplies Authorities Act, 1987 to be certified by an Accredited Certifier.

3. The erection of a building in accordance with a development consent must not be commenced until:
  - a. detailed plans and specifications of the building have been endorsed with a construction certificate by:
    - (i) the consent authority; or
    - (ii) an accredited certifier; and
  - b. the person having the benefit of the development consent:
    - (i) has appointed a Principal Certifying Authority; and
    - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and
  - c. the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

### GENERAL

4. The development shall be completed in general accordance with Plan Nos 872 Sheet 1 dated 16/9/99 & sheet 1B dated 18/11/99; Sheets 2 & 3 dated 13/10/99; Sheets 5, 6 & 7 dated 14/10/99 drawn by David Perry Homes Pty Ltd, except where varied by these conditions.
5. Approval is given subject to the location of, protection of, and/or any necessary modifications to any existing public utilities situated within the subject property.
6. Any damage caused to public infrastructure (roads, footpaths, water and sewer mains, power and telephone services etc) during construction of the development shall be repaired to the satisfaction of the Director of Engineering Services prior to the issue of a Subdivision Certificate and/or prior to any use or occupation of the buildings.
7. Where the construction work is on or adjacent to public roads, parks or drainage reserves the development shall provide and maintain all warning signs, lights,

## Reports from Director Development Services

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- barriers and fences in accordance with AS 1742-1991 (Manual for Uniform Traffic Control Devices). The contractor or property owner shall be adequately insured against Public Risk Liability and shall be responsible for any claims arising from these works.
8. The provision of a minimum of two (2) off street car parking spaces. The layout and construction standards to be in accordance with Development Control Plan No. 2 - Parking Controls.
  9. Disposal and removal of waste from each dwelling in accordance with details submitted to and approved by Director of Environment & Community Services Division prior to any occupation of the building.
  10. The premises shall be suitably identified by Unit No. (where appropriate) and Street Number displayed in a prominent position on the facade of the building facing the primary street frontage, and is to be of sufficient size to be clearly identifiable from the street.
  11. Landscaping of the site shall be carried out in accordance with the submitted landscaping plans. The landscaping to be completed prior to occupation of the building, to the satisfaction of the Director, Development Services.
  12. The door to a fully enclosed sanitary compartment must:-
    - i. open outwards; or
    - ii. slide; or
    - iii. be readily removable from the outside of the sanitary compartment;unless there is a clear space of at least 1.2m between the closet pan within the sanitary compartment and the nearest part of the doorway.
  13. The builder must provide an adequate trade waste service to ensure that all waste material is contained, and removed from the site for the period of construction.
  14. Building materials used in the construction of the building are not to be deposited or stored on Council's footpath or road reserve.
  15. The certifying authority is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
    - a. footings, prior to pouring of concrete
    - b. slab, prior to pouring of concrete
    - c. frame prior to the erection of brick work or any wall sheeting
    - d. final inspection prior to occupation of the building

## Reports from Director Development Services

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- e. stormwater drainage connection to inter allotment drainage system prior to back filling.
16. The building is to be protected from attack by termites by approved methods in accordance with the provisions of Australian Standard AS 3660.1, and:
- (i) Details of the proposed method to be used are to be submitted to and approved by the Principal Certifying Authority prior to start of works; and
  - (ii) Certification of the works performed by the person carrying out the works is to be submitted to Council prior to occupation of the building; and
  - (iii) A durable notice must be permanently fixed to the building in a prominent location, such as in the electrical meter box indicating:-
    - (A) the method of protection; and
    - (B) the date of installation of the system; and
    - (C) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
    - (D) the need to maintain and inspect the system on a regular basis.

**Note:** Underslab chemical treatment will not be permitted as the only method of treatment unless the area can be retreated without major disruption to the building.

17. In the event that Council is not utilised as the inspection/Certifying authority, within seven (7) days of building works commencing on the site a Compliance Certificate in the prescribed form is to be submitted to Council together with the prescribed fee, by the nominated principal certifying authority to certify the following:
- i. All required erosion and sedimentation control devices have been installed and are operational.
  - ii. Required toilet facilities have been provided on the site in accordance with Section 78i of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iii. A sign has been erected on the site in accordance with Section 78H of the Environmental Planning & Assessment Amendment Regulations 1998.
  - iv. All conditions of consent required to be complied with prior to work commencing on the site have been satisfied.
  - v. That the licensee has complied with the provisions of Section 78c of the Environmental Planning and Assessment Amendment Regulations 1998.

## Reports from Director Development Services

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18. The glazier is to supply the PCA with certification that all glazing complies with AS 1288-1994 of the Building Code of Australia.
19. Manufacturers certification is to be provided to the PCA from the Roof Truss manufacturer to certify the roof truss design.
20. In the event that Council is not utilised as the inspection/certifying authority, prior to occupation of the building a Compliance Certificate in the prescribed form is to be submitted to Council from the nominated principal certifying authority, together with the prescribed fee, to certify that all work has been completed in accordance with the approved plans and specifications, conditions of Consent and the relevant provisions of the Building Code of Australia.

### **PRESCRIBED (BUILDING)**

21. A temporary builder's toilet is to be provided prior to commencement of work at the rate of one (1) closet for every twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:-
  - (a) a standard flushing toilet connected to a public sewer, or
  - (b) if that is not practicable, an accredited sewage management facility approved by the council, or
  - (c) if that is not practicable, any other sewage management facility approved by the council.
22. A sign must be erected on the site in a prominent, visible position stating:
  - a. that unauthorised entry to the work site is prohibited; and
  - b. showing the name of the builder, or another person responsible for the site and a telephone number at which the builder or other person can be contacted outside working hours.
23. All building work (other than work relating to the erection of a temporary building) must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).
24. A. Building work that involves residential building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  1. in the case of work to be done by a licensee under that Act:
    - (i) has been informed in writing of the licensee's name and contractor licence number; and



## Reports from Director Development Services

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- (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act; or
  - 2. in the case of work to be done by any other person:
    - (i) has been informed in writing of the person's name and owner-builder permit number, or
    - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of *owner-builder work* in Section 29 of that Act,
- and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
- B. A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
25. Prior to work commencing, a "Notice of Commencement of Building or Subdivision Work and Appointment of Principal Certifying Authority" shall be submitted to Council at least **2 days** prior to work commencing.

### ENGINEERING (BUILDING)

26. The footings are to be designed by a practising Structural Engineer after consideration of a soil report from an accredited soil testing laboratory and shall be submitted to and approved by the Principal Certifying Authority prior to the commencement of building work.

### FIRE (BUILDING)

27. An automatic fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in Class 1a building, or dwelling or dual occupancy and within sole occupancy units in a townhouse.

Smoke detection and alarm systems must be installed in accordance with Part 3.7.2.3 of the Building Code of Australia and must comply with Australian Standard AS 3786.

## Reports from Director Development Services

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Smoke alarms must be connected to the consumer mains power where consumer power is supplied to the building.

Smoke alarms must be installed on or near the ceiling in -

- (a) any storey containing bedrooms -
  - (i) between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
  - (ii) where bedrooms are served by a hallway, in that hallway; and
- (b) any other storey not containing a bedroom.

A Certificate of Compliance is to be submitted to Council prepared by the licensed Electrical Contractor certifying that the installation complies with the above, prior to occupation of the building.

### ROADS/STREETS

- 28. The owner or contractor must not undertake any work within the public road reserve without giving Council's Engineering Services Division forty eight (48) hours notice of proposed commencement. Failure to comply with this condition may result in a stop work notice being issued and/or rejection of the works undertaken.
- 29. The provision of adequate vehicular access in accordance with Council's "Vehicular Access to Property Construction Specification" pamphlet, including the provision of an invert crossing at the kerb and gutter where required and paving of the driveway across the footpath to the front alignment to the satisfaction of the Director, Engineering Services. Twenty four (24) hours notice is to be given to Council's Engineering Services Division before placement of concrete to enable formwork to be inspected. Failure to do so may result in rejection of the vehicular access and its reconstruction. Paving bricks are not acceptable unless laid on a 100mm thick concrete base.
- 30. The concrete driveway across the footpath is to be 100 millimetres thick minimum and reinforced with F72 mesh with 40mm cover.
- 31. The driveway is to be constructed 3 metres wide at the property boundary and 3 metres wide at the kerb line with a uniform taper if a splay is specified.
- 32. Where the kerb is to be removed for driveway laybacks, stormwater connections, pram ramps or any other reason, the kerb must be sawcut on each side of the work to enable a neat and tidy joint to be constructed.

## Reports from Director Development Services

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### DRAINAGE/FLOODING

33. All roof waters and water from open car park areas to be disposed of through properly jointed pipes to the street gutter, interallotment drainage or to the satisfaction of the Principal Certifying Authority. All PVC pipes to have adequate cover and installed in accordance with the provisions of AS/NZS3500.3.2-1998. **Note** All roof water must be connected to an interallotment drainage system where available.
34. Sub-floor excavations must be drained by an agricultural pipe and rubble drain, not less than 300mm deep and 300mm wide and piped to the street separate to the roofwater disposal system; to provide satisfactory drainage in accordance with Australian Standard AS/NZS3500.3.2-1998.
35. All surface and seepage waters liable to be a nuisance are to be collected and diverted clear of the building site by an approved drainage system separate to the roof water system.

### ENVIRONMENT PROTECTION

36. Suitable covering and protection is to be provided to ensure that no material is removed from the site by wind, causing nuisance to neighbouring properties.
37. All work associated with this approval is to be carried out so as not to cause a nuisance to residents in the locality from noise, water or air pollution.
38. All necessary precautions shall be taken to minimise impact from dust during filling operations from the site and also from construction vehicles.
39. Construction site work including the entering and leaving of vehicles is to be restricted to between 7.00 am and 7.00 pm Monday to Saturday and no work on Sundays.
40. All reasonable steps shall be taken to muffle and acoustically baffle all plant and equipment. In the event of complaints from the neighbours, which Council deem to be reasonable, the noise from the construction site is not to exceed the following:
  - A. Short Term Period - 4 weeks.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 20dB(A) at the boundary of the nearest likely affected residence.
  - B. Long term period - the duration.

L10 noise level measured over a period of not less than 15 minutes when the construction site is in operation, must not exceed the background level by more than 15dB(A) at the boundary of the nearest affected residence.

## Reports from Director Development Services

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41. Prior to commencement of building works all required sedimentation and siltation control measures are to be installed and operational to the satisfaction of the Principal Certifying Authority. Erosion and sedimentation control devices should be installed in accordance with the publication "Managing Urban Stormwater Soils and Construction" prepared by the NSW Department of Housing. All erosion and sedimentation control shall be maintained throughout the period of construction.
42. The guttering downpiping and roof waste water disposal system is to be installed and operational before the roofing is installed.

### PLUMBING AND DRAINAGE

43. Council is to be given 24 hours notice for any of the following inspections prior to the next stage of construction:
  - a internal drainage, prior to slab preparation;
  - b water plumbing rough in, prior to the erection of brick work or any wall sheeting;
  - c external drainage prior to backfilling.
  - d completion of work.
44. A permit is to be obtained from Council prior to commencement of any plumbing and drainage work.
45. An isolation cock is to be provided to the water services for each unit in a readily accessible and identifiable position.
46. Temperature and pressure relief lines from hot water systems shall discharge in the open as prescribed in Australian Standard AS 3500.4.1990 Section 4.12.3.
47. The Council approved wet area flashing installer is to supply to the Principal Certifying Authority certification that all wet area flashings have been installed in accordance with the Manufacturer's Specifications, detailing the rooms or areas involved and the date of installation. **Note:** Only Council approved installers may carry out this work and reference must be made to Council to confirm that such installers are Council approved.
48. Impervious floors, properly graded and drained are to be provided to all wet areas.
49. The whole of the plumbing and drainage work is to be completed in accordance with the requirements of the NSW Code of Practice for Plumbing and Drainage.
50. Dual flush water closet suites are to be installed in accordance with Local Government Water and Sewerage and Drainage Regulations 1993.

## Reports from Director Development Services

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51. Yard gully is to be located clear of the building and at a level not less than 150mm below the lowest fixture within the building and 75mm above finished ground level.
52. The finished floor level of the building should finish not less than 225mm above finished ground level.

## Reports from Director Development Services

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### REPORT:

**Applicant:** David Perry Homes  
**Owner:** Kenbrun Pty Ltd  
**Location:** Lot 319 DP 853944 Federation Drive, Terranora  
**Zoning:** 2(d) Rural Village  
**Est. Cost:** \$168,000

### BACKGROUND

The proposal involves the erection of a detached dual occupancy at Lot 319 DP 853944 Federation Drive, Terranora.

The subject site is located on the western side of Federation Drive at the end of the cul-de-sac and comprises a total site area of 1103m<sup>2</sup>. The site is currently vacant. The surrounding locality is characterised by predominantly single and two storey dwellings. A drainage reserve is located on the adjoining property to the east at Lot 283. The subject site comprises a drainage easement along its western boundary.

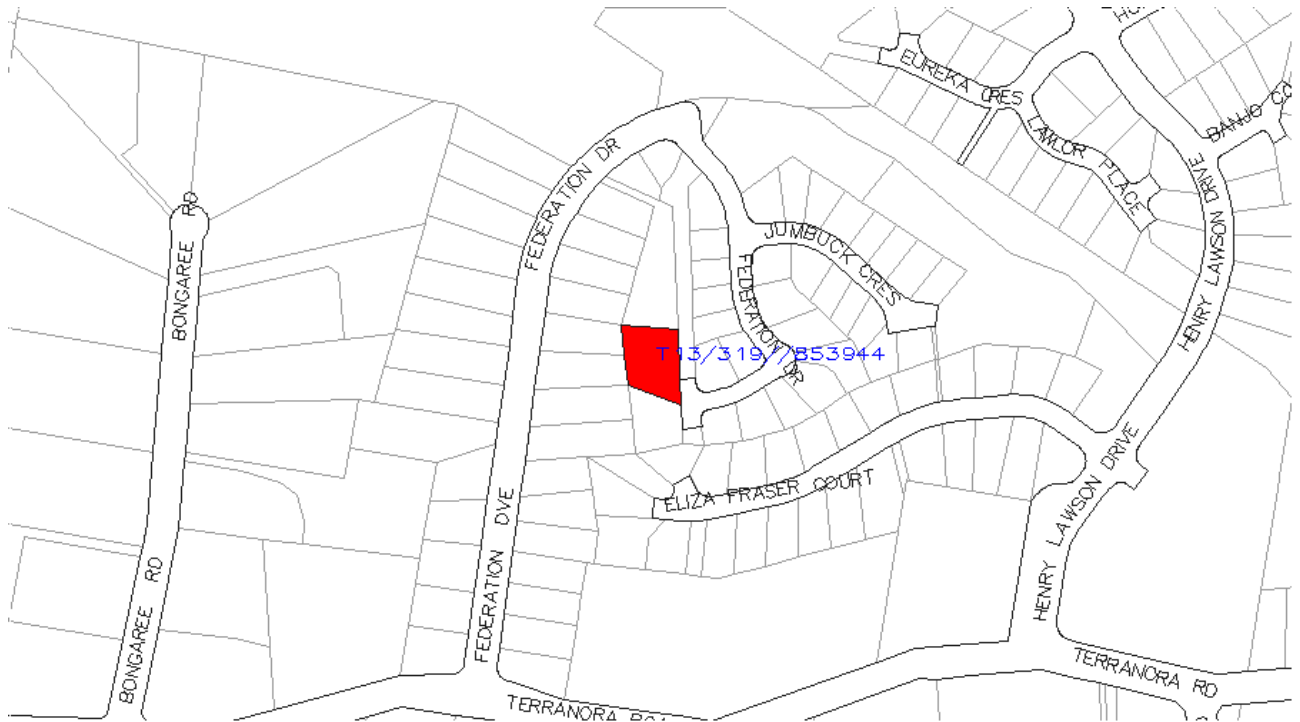
The proposal involves the erection of a part one/part two storey development. Dwelling one is proposed as two storeys and is to comprise three bedrooms. Dwelling two is proposed as a single storey building and is also to comprise three bedrooms. The buildings are to be constructed of brick with concrete roof tiles.

Vehicular access to the site is proposed from Federation Drive. A double garage is proposed to Unit 1 with a single garage proposed to Unit 2.

The proposal was notified to adjoining and adjacent properties which were given 14 days in which to make any submission. 17 letters of objection were received during the notification period in addition to a petition with 82 signatures.

## Reports from Director Development Services

### Site Diagram



### CONSIDERATIONS UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

(a) (i) **Tweed Local Environmental Plan 1987 (TLEP 1987)**

The subject site is zoned 2(d) Rural Village in accordance with TLEP 1987. The proposal is permissible with Council's consent within this zone.

Clause 16B(b) of TLEP 1987 requires a maximum floor space ratio of 0.5:1. The proposed FSR is 0.22:1. The proposal is satisfactory in this regard.

**North Coast Regional Environmental Plan (NCREP)**

The proposal does not contravene the provisions of the NCREP 1988.

**State Environmental Planning Policies (SEPPs)**

No particular SEPPs are applicable.

(ii) **Draft Tweed Local Environmental Plan 1998**

There is no proposed change to the zoning of the subject site under the draft TLEP 1998.

Dual occupancy provisions contained within the draft TLEP 1998 require a maximum density of one dwelling per 450m<sup>2</sup> of site area or one dwelling per

## Reports from Director Development Services

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250m<sup>2</sup> of site area if located within 300m of a business centre. The total site area is 1103m<sup>2</sup> which satisfies the provisions of the draft TLEP 1998.

**(iii) Development Control Plans (DCPs)**

**DCP1 - Terranora Village**

DCP1 states that dual occupancies may be considered within Terranora Village. The proposal does not contravene the provisions of DCP1.

**DCP2 - Site Access and Parking Code**

Council's Parking Code requires the provision of one space per unit for dwellings below a gross floor area of 125m<sup>2</sup> and two spaces for dwellings above 125m<sup>2</sup>. It is proposed to provide a double garage allocated to dwelling one and a single garage to unit 2. The proposal is satisfactory in regards to Council's requirements.

**DCP6 - Multi Dwelling Housing**

The proposal requires a minimum open space requirement of 20% of the total site area being 220.8m<sup>2</sup>. It is proposed to provide approximately 525m<sup>2</sup> which includes all areas with a dimension of 3m only as required by DCP6. DCP6 also requires the provision of a minimum area of useable open space for each unit of 25m<sup>2</sup> with a minimum dimension of 4m. It is proposed to provide areas greater than 25m<sup>2</sup> allocated to each unit. It is noted that this area is not directly accessible from the living area of dwelling No. 1 as required by DCP 6, however, a balcony has been provided off the living area. It is considered that the proposal is satisfactory in this regard.

Dwelling No. 1 is proposed to be setback 3.17m from the eastern boundary, 12m from the sites western boundary, a minimum of 8.4m from the southern boundary and 19m from the northern boundary. Dwelling No. 2 is located 4m from the northern boundary, 4.1m from the eastern boundary, 26.4m from the southern boundary and 7m from the western boundary. The dwellings are considered to be well sited in terms of minimising any potential for overlooking and overshadowing.

It is noted that the dwelling to the south of the subject site at Lot 285 contains views across the subject lot. An assessment of the dwelling on that site in relation to the proposed development identified that there will be minimal view loss as a result of the proposed development.

The buildings are considered to be compatible with development in the locality in terms of their design, bulk and scale. Having regard to the matters discussed above it is considered the proposal is satisfactory in regards to the provisions of DCP6.

**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality**



## Reports from Director Development Services

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As indicated, the proposal involves the erection of a detached dual occupancy development comprising a two storey dwelling and a single storey dwelling. Each dwelling within the dual occupancy development is to comprise three bedrooms, a large family/living area, kitchen and bathroom facilities. A double garage is to be allocated to dwelling 1 with a single garage allocated to dwelling 2. Vehicular access is provided from Federation Drive.

Adjoining the site to the east is a drainage reserve over Lot 283. Further to the east on the opposite side of this drainage easement is predominantly single dwelling development. Directly to the south at Lot 285 is a two storey dwelling. To the west of the site is predominantly single dwelling development of a mix of one and two storeys in height. A drainage easement is located along the western boundary of the subject site.

The proposed buildings are considered to be compatible in design and materials with development within the locality. The proposal satisfies the useable open space and landscaping provisions contained within DCP6 and satisfies the maximum floor space ratio provisions contained within TLEP 1987. The extent of setbacks will ensure minimal overlooking and overshadowing to adjoining properties.

It is noted that there is no other dual occupancy development within the immediate locality due to Council's previous restriction on such developments due to inadequate sewer capacity. It is noted that there is no statutory prohibition on dual occupancy development in this location. As a result of availability of additional sewer capacity, Council is now able to consider development applications for dual occupancy developments in Terranora Village. It is further noted that there is no Section 88B restriction on dual occupancy development on the subject site.

The subject site is capable of accommodating a dual occupancy development. The site is to be well landscaped to soften the impact of hard paved and building areas. Having regard to the matters discussed above the proposal is considered to be satisfactory in this regard.

**(c) Suitability of the site for the development**

As indicated the surrounding area is characterised by predominantly single dwelling development. There are no other dual occupancy developments within the immediate locality due to Council's previous restrictions on such developments as a result of inadequate sewer capacity. However, it is now noted that sewer capacity is now available within Terranora Village to enable Council to consider development applications for dual occupancy developments as stated in a report to Council from the Director of Engineering Services on 1 December 1999. The owner of the subject site, Kenbrun Pty Ltd being the developer of this subdivision and consequently the financier of the Terranora Village sewerage system has provided their consent to the lodgement of the development application for the dual

## Reports from Director Development Services

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occupancy development. The proposal satisfies Council's statutory and policy requirements in regards to dual occupancy development.

It is considered that the scale and design of the proposal still maintains the character of the village due to the materials used, the height of the buildings, and the overall site area (ie one dwelling per 551m<sup>2</sup> of site area is proposed).

(d) **Any submissions made in accordance with the Act or Regulations**

The proposal was notified to adjoining and adjacent properties which were given 14 days in which to make any submissions. 17 letters of objection were received in addition to a petition with 82 signatures. The issues raised in these submissions are raised below.

\* **Dual occupancy does not maintain the character and scale of Terranora Village**

**Comment**

It is recognised that restrictions have been placed on dual occupancy in the past within this locality due to inadequate sewer capacity. There are no other dual occupancy developments in the area as a result of these restrictions. However, given the recent availability of sewer capacity Council is now able to assess development applications for dual occupancies in this location. The proposed development does not contravene the provisions of Council's TLEP or DCPs for this site. The subject site area is considered capable of accommodating a dual occupancy development. It is considered that the design of the buildings are compatible in scale and bulk with other dwellings within the Village.

\* **Multiple occupancies are prohibited**

The submissions refer to the zoning table for the 2(d) Rural Village zone in accordance with TLEP 1987 and concerns that the subject development is prohibited within the zone.

**Comment**

It is noted that dual occupancy development is a permissible development with Council's consent within the 2(d) Rural Village zone in accordance with TLEP 1987. Multiple occupancies are a separately defined use and are prohibited within the Rural Village zone.

\* **A change in zoning laws**

Concerns have been raised that the rules which govern the development have changed.

## Reports from Director Development Services

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### Comment

As previously indicated, restrictions did apply in regards to dual occupancy developments only due to inadequate sewer capacity and not due to statutory prohibitions on such developments within the Terranora area. As indicated however, sewer capacity is now available and Council is able to consider dual occupancy development in this location. There has been no change in zoning laws in order for Council to consider dual occupancy developments.

\* **Additional traffic generation on an inadequate road**

Concerns were raised regarding increased traffic generation as a result of the proposed development.

### Comment

The proposal for dual occupancy development will have minimal traffic generation. Council's Engineering Services Division raised no objections to the proposal.

\* **Drainage easement**

Concerns were raised regarding the location of buildings adjacent or on any drainage easements that will interfere with water runoff.

### Comment

A drainage reserve is located on the adjoining lot to the east at Lot 283 Federation Drive and a drainage easement is located along the sites western boundary. It is noted that the proposed dwellings are to be setback a minimum of 3m from the sites eastern boundary and a minimum of 4m from the drainage easement located on the site. Council's Building Surveyor has commented on the proposal and raises no objections subject to conditions. It is considered that this does not provide justification for refusal of the application.

(e) **The Public Interest**

Having regard to the matters discussed above the proposal is considered to be satisfactory in the circumstances of the case and the public interest.

### LEGAL/RESOURCE/FINANCIAL IMPLICATIONS

If the application is refused the applicant has a right of appeal to the Land and Environment Court. There are no third party appeal rights.

### Options

The following options are available to Council regarding the proposed development.

1. Approve the application subject to conditions.

## Reports from Director Development Services

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2. Refuse the application.

### CONCLUSION

The proposal was referred to Council's Building Services Unit and Council's Engineering Services Division for comment. It is noted that no objections were raised subject to conditions. In terms of the assessment of the dual occupancy proposal, as outlined above, the development is considered to be satisfactory for the subject site and is recommended for conditional consent.

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## Reports from Director Development Services

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### 12a. ORIGIN: Subdivision Unit

**FILE REF: GS4/96/135 Pt11**

### REPORT TITLE:

**Kings Beach Development: Stage 1 - Draft Dune Management Plan and Lot 500 Management Plan**

### SUMMARY OF REPORT:

Following the Extraordinary Council Meeting on 10 January 2000 and subsequent discussions, Cardno MBK have re-submitted a draft Dunal Management Plan and Lot 500 Management Plan. The draft Plan still has major deficiencies and the issues raised by the Department of Land and Water Conservation (DLWC) and Council officers have not been adequately addressed.

For decision-making on this draft Plan Council has responsibilities as:

- The local planning authority implementing a condition from the Land and Environment Court;
- The custodian of Coastal/Crown land on behalf of the State Government and as Corporate Manager/Reserves Trust for the Single Coastal Reserve of which Lot 500 forms part.

It is anticipated that DLWC will be responsible for the issuing of a licence for the works to eventually take place subject to the concurrence of the Reserves Trust. The Single Coastal Reserve has formally been created for purposes of public recreation and coastal environmental protection. The State Government has a long-established NSW Coastal Committee which has placed much emphasis on proper dunal management. It is a difficult balance for Council to fulfil these responsibilities and potentially facilitate the development proposal by Lenen Pty Limited and Consolidated Properties. This report should be dealt with in conjunction with Item 3 of the Council business paper for 19 January 2000.

In view of the significant differences between Cardno MBK as Consultants to Lenen Pty Limited and Council officers and DLWC, the Director of Development Services engaged an independent, qualified and experienced consultant to undertake an urgent review. This review (by Tein McDonald and Associates) is Annexure 1 and the Consultants Curriculum Vitae is Annexure 2.

### RECOMMENDATION:

That Council:-

1. Not accepts the draft Dunal Management Plan and Lot 500 Management Plan submitted by Cardno MBK on 14 January 2000 and invites Cardno MBK and Lenen

## Reports from Director Development Services

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Pty Limited to improve the draft Plan in accordance with the evaluation by the Department of Land and Water Conservation, Council officers, the National Parks and Wildlife Service and Tein McDonald and Associates - such negotiations to potentially include agreement to engage an appropriate independent mediator to finalise the matter; and

2. Again invites Lenen Pty Limited to open to the new section of the Tweed Coast Road.

## Reports from Director Development Services

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### REPORT:

#### BACKGROUND

The further amended Dune Management Plan and Lot 500 Management Plan was lodged by Lenen Pty Limited on Friday, 14 January 2000 and a copy of the plan was referred to all Councillors together with the Business Paper for the meeting on 19 January 2000. In addition copies of the amended Plan were referred to the National Parks and Wildlife Service, the Department of Land and Water Conservation and the Manager Recreation Services for comment.

In response to those referrals written advice has been received from the Department of Land and Water Conservation dated 17 January 2000 and from the National Parks and Wildlife Service dated 14 January 2000 and from the Manager Recreation Services dated 17 January 2000. Copies of those responses are Annexures 3, 4 and 5 respectively.

#### ROLE AND RESPONSIBILITIES OF COUNCIL AND THE DEPARTMENT OF LAND AND WATER CONSERVATION

Council is effectively the custodian for this public/crown land on behalf of the State Government. Council was appointed the Corporate Manager for the Single Coastal Reserve in 1997 and this Section of Crown Reserve has the formally nominated purposes of public recreation and coastal environmental protection. Council manages the single coastal reserve through the Reserves Trust.

Council is also the authority implementing planning responsibilities in terms of:

- the strategies and policies of the NSW Coastal Committee;
- the appropriate conditions of the Land and Environment Court which forms part of the consent orders of December 1998 approving the Stage 1 development of Kings Beach and in terms of the direct environmental management and visual quality of the dunal system in this section of the Tweed Coast which has a highly related and crucial role for future economic and employment generation in the Shire.

The South Kingscliff land is probably the most important land in NSW for ensuring quality planning and physical results on the ground.

The relevant conditions of the Land and Environment Court Consent Orders are:

35. *A Dune Management Plan shall be prepared to the satisfaction of the Director Development Services in respect of the foredune lands adjoining the land and be submitted in conjunction with Part 12 Engineering Plans.*
49. *The applicant shall have prepared and Environmental Plan of Management by a suitably qualified person in conjunction with the Department of Land and Water Conservation and the Director Development Services in respect of so much of Lot 500 as it joins the land that addresses any potential impacts on any threatened*

## Reports from Director Development Services

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*species eg oyster catches, little terns and turtles found using the beach and foredunes. This Plan shall considerably exclusion of the public, domestic pets, feral animals and four wheel drives from any detected nesting and roosting areas and the replanting of the dunes with suitable native vegetation including banksias.*

Implementation of this Dune Management Plan will be subject to a licence pursuant to Part IV of the Crown Lands Act issued by the Department of Land and Water Conservation (DLWC). This reinforces the need for Council to adopt a Dunal Management Plan which has the support of DLWC. DLWC letter of 17 January 2000 states that the Tweed Coast Reserves Trust will need to concur with proceeding in this manner.

Implementation of the Dunal Management Plan will also requires further Development Consent under Part IV of the Environmental Planning and Assessment Act because "Environmental Facilities" will include the boardwalk for beach access. As the National Parks and Wildlife Service explains, any such further application will require an 8 point test under the Threatened Species Conservation Legislation and if significant impact is concluded then a Species Impact Statement will be required and the concurrence of the Director-General of the National Parks and Wildlife Service will be needed for the actual works to take place.

It is submitted that this Council has a major opportunity to achieve "landmark" quality of planning for South Kingscliff given it is such a large area of vacant coastal land with such potential for highly beneficial economic development. The environmental quality of visual attraction of the dunal system is a critical part of such planning. It is also submitted that a quality Dune Management Plan is what must be achieved and one which is not driven by achieving views for commercial gain from adjacent residential lots to the west - if indeed this is an objective of the proponent. South Kingscliff is the only sector of the Shire to which a fifty year erosion zone applies together with a 30m vegetation buffer. Otherwise, the one hundred year erosion zoning applies (this will be subject to comprehensive review through the Coastal Hazard Definition Study for which Council recently determined to contribute funding to enable to proceed in the near future in conjunction with DLWC funding).

### **EVALUATION OF THE DRAFT DUNAL MANAGEMENT PLAN AND LOT 500 MANAGEMENT PLAN**

The amended draft Plans which was received by Council on 14 January 2000 have been assessed by the DLWC and the National Parks and Wildlife Service (NPWS), Council's Manager Recreation Services and the Development Services Division.

Below are the main reasons why the draft Plan is unacceptable relative to criteria of appropriate dunal management planning. In view of the substantial impasse between land owners, Lenen Pty Limited, development proponents, Consolidated Properties and their representative consultants: Cardno MBK and, on the other side, Council and DLWC I commissioned an urgent general review of the draft Plans by an independent qualified ecologist, Tein McDonald, and her report is Annexure 1. The main reasons for non-acceptability of the draft plans are as follows:-



## Reports from Director Development Services

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1. The draft Plan proposes significant removal of existing native vegetation - notably reduction of extended canopy and actual vegetation of horsetail oak and coastal ti-tree which is concluded to have a net detriment on the environment in terms of potentially adverse effects on fauna habitat; and exacerbating the impacts of wind and salt erosion on the related dunal system and vegetation. There is considered to be an insufficiently high density and spread of existing vegetation to realistically impede the propagation of other vegetation which will protect the dunal system.
2. Draft plans proposed to provide a maintenance track within the first 7.5m from the beach and the track is actually in proximity from the crest of the foredune. This track is considered unnecessary for Bitou bush removal purposes because of the access that can be obtained for the spraying and treatment of the Bitou bush and is certainly unnecessarily causing ground disturbance and impact and thereby extent of erosion potential.
3. The proposed maintenance track located 50m from the beach will be located towards the top of the secondary dune and it is considered that this will result in significant visual impacts and in addition, the need for a maintenance track is not accepted because of the means of gaining access for Bitou bush treatment without such tracks.
4. The amended draft plan proposes removal of Bitou bush other than ripping. However these means are not specified and reference to “*via a grab*” is likely to result in unnecessary removal of native vegetation.
5. The density of proposed tree planting is not considered to be adequate having regard to the need to provide stabilised dunal system, suitable native flora and fauna habitat and a high level of visual quality to the dunal system. Whilst the table in the draft plan refers to trees being planted at 1 per 5m<sup>2</sup> spacing the indicative 1ha grid plan shows trees at an average of about 1 at 18-20m<sup>2</sup> spacings.
6. Condition 49 requires the addressing of any potential impacts on any threatened species but this is not included in the draft amended Plan. There is a lack of specification as to quantity, frequency and need for spraying for removal of Bitou bush and the means by which spraying of Bitou bush will ensure that other native vegetation is not adversely affected by the spraying approach.
7. There is no justification whatever (Page 4) for the proposal to trim the Bitou bush at the top of the ridge only to a height of 1.5m prior to spraying - this in itself can increase the infiltration of wind impact and thereby increase erosion potential for no demonstrated benefit.
8. Whilst the “*desired outcomes*” in the draft amended plan refer to the maintenance of visual amenity, the performance indicators make no reference whatsoever to this desired outcome. The monitoring is nominated for implementation by the “*landscape officer*” who will be engaged by Consolidated Properties as the anticipated implementation agency for the Dune Management Plan. There are no references to appropriate

## Reports from Director Development Services

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notification of Council for any works taking place on the dunal system and ensuring that the Plan is appropriately implemented. It would be appropriate in probity terms for Council to have qualified presence on site when works are taking place because Consolidated Properties will be implementing the Dunal Management Plan but could be perceived in having a vested interest in terms of obtaining views to adjacent residential development to the ocean.

9. Mechanical removal of Bitou bush should be limited to west of Zone 4 as indicated in the draft Management Plan by a tractor driven slasher.
10. No removal or trimming of native vegetation should take place because extensive removal of Bitou bush from the site will render it extremely exposed and the protection offered by existing native vegetation is essential. The canopy provided by the existing native vegetation has not been the major factor in the exclusion of native species from the area as stated. Rather the extensive cover of invasive Bitou bush has displaced and out-competed native species. Similarly the major limiting factor for the growth of private tube stock will not in sufficient light but exposed to harsh, salt-laden winds. The opening of the canopy is more likely to promote the invasion of exotic weeds rather than native vegetation.
11. Despite a number of discussions, the draft amended Plan proposes inappropriate species in terms that these species not being recorded on the Tweed and the difficulties of obtaining adequate plant stocks within an appropriate timeframe.
12. DLWC states that the proposed planting shows numerous species that would not be expected to reach or exceed 1m in height with a proposed density of species that would be expected to exceed 1m in height being about 1 per 18m<sup>2</sup>. The usual planting density for trees for be in the order of 1 per 3m<sup>2</sup> according to DLWC.

### IMPLEMENTATION OF THE PLAN

The Stage 1 Development Consent No S96/135 issued by the Land and Environment Court does not require the Stage 1 developer to implement the Plan prior to the Stage 1 Linen Plan release. Rather, the consent requires the preparation of an acceptable Dune Management Plan and it will therefore be necessary for the developers of subsequent stages to implement the Plan. In this regard, Development Consent will be required for the various works proposed by the Dune Management Plan and accordingly, the Plan could be implemented by the imposition of conditions on the current development application before council for Stages 2, 3 and 4 by Consolidated properties requiring the works to be carried out subject to the applicant first obtaining development consent. Alternatively, Consolidated Properties could be requested to lodge a Development Application for the works proposed by the ultimately approved Dune Management Plan and that application could be assessed and determined concurrent with the current Stages 2, 3 and 4 applications lodged by Consolidated Properties. Submission of a Development Application will necessitate the completion of the eight point test of significant effect contained in Section 5A of the Environmental Planning and Assessment Act as referred

## Reports from Director Development Services

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to in the letter from the National Parks and Wildlife Service dated 14 January 2000 and that test may result in the need for the preparation of a Species Impact Statement to enable the full implications of the Plan to be determined and suitable conditions of consent to be formulated. It should be noted that if a species impact statement is required, approval to the Development Application for implementation of the Plan could only be granted with the concurrence of the Director-General of the National Parks and Wildlife Service.

It should be further noted that Development Consent for any development within the 7(f) zone can only be granted with the concurrence of the Director-General of the Department of Urban Affairs and Planning in pursuance of clause 37 of Tweed Local Environmental Plan 1987.

### OPTIONS

The following options appear are put to Council:-

1. Approve the draft Dune Management Plan and draft Lot 500 Management Plan as submitted;
2. Advise Lenen Pty Limited, Consolidated Properties and Cardno MBK that approval of the Dune Management Plan and Lot 500 Management Plan is anticipated if amendments are made which address the issues explained in the Evaluation section of this report above and as raised by the Department of Land and Water Conservation; the National Parks and Wildlife Service and Manager Recreation Services;
3. Advise the proponents of the non-acceptability of the amended draft Dune Management Plan and draft Lot 500 Management Plan as recommended in this report;
4. Resolve to initiate further negotiations with the potential involvement of an independent mediating authority to finalise the draft Plans;
5. Commission directly a third party qualified, highly reputable ecologist to finalise the draft Plans to satisfy the Court condition.

It should be noted that any of the above options, including further actions to get the draft Plans right, does not prevent Lenen Pty Limited from opening the new section of Coast Road and that the formal submission of application to release the plan still has not been received by Council.

### CONCLUSION

Given Council's planning and Crown Reserve management responsibilities, it is recommended that the draft Dune Management Plan and Lot 500 Management Plan should not be approved until the deficiencies identified in the Evaluation section of this report by further evaluation and in the report by Tein McDonald and Associates are addressed and particularly satisfy DLWC as the State Government agency responsible for Coastal Management and who are the "owner" of the land responsible ultimately for the issuing of a licence for the implementing works to take place. It is recommended that the draft Plan not be accepted because there are such significant inadequacies relevant to sound dunal management and rehabilitation, there

## Reports from Director Development Services

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must be significant improvements to the draft Plan before approval can be issued and the satisfaction of DLWC and Council achieved.

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# Reports from Director Development Services

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# Reports from Director Corporate Services

**13. ORIGIN: Administration Services Unit**

**FILE REF: Councillors - Conference**

**REPORT TITLE:**

**National Rural Roads Congress - 6 to 8 March 2000**

**SUMMARY OF REPORT:**

Council received advice from Moree Plains Shire Council on 7 December 1999 that they will be hosting the first National Rural Roads Congress from 6 to 8 March 2000.

At Council's meeting of 15 December 1999, it was resolved that "*Cr Beck be authorised to attend the National Rural Road Congress at Moree from 6 to 8 March 2000.*"

Cr George Davidson seeks Council approval for his attendance at this congress.

**RECOMMENDATION:**

That Cr Davidson be authorised to attend the National Rural Road Congress at Moree from 6 to 8 March 2000.

## Reports from Director Corporate Services

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### REPORT:

Council received advice from Moree Plains Shire Council on 7 December 1999 that they will be hosting the first National Rural Roads Congress from 6 to 8 March 2000.

At Council's meeting of 15 December 1999, it was resolved that "*Cr Beck be authorised to attend the National Rural Road Congress at Moree from 6 to 8 March 2000.*"

Cr George Davidson seeks Council approval for his attendance at this congress.

### FINANCIAL IMPLICATIONS

Registration	\$550.00
Optionals	\$190.00
Accommodation	\$280.00
<b>Total</b>	<b>\$1020.00</b>



## Reports from Director Corporate Services

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### 14. ORIGIN: Director

**FILE REF:** Daylight Saving

**REPORT TITLE:**

**Daylight Saving**

**SUMMARY OF REPORT:**

Council has for some time been associated with representations to both Queensland and New South Wales state governments to reach a conclusion to the daylight savings problem experienced by people living within the Tweed / Coolangatta border area. This report gives a short summary of the recent efforts by Council and other agencies to help reach a solution.

**RECOMMENDATION:**

That Council presents a documented list of the recent efforts made to resolve the daylight saving issue faced within the border area of Tweed / Coolangatta to the:

1. Premiers' Cross Border Committee.
2. Prime Minister's Office.

# Reports from Director Corporate Services

## REPORT:

At the Council meeting of 3 June 1998 a discussion paper was presented titled *Tweed Shire Council's Position on Daylight Saving*. This paper formed a response to SouthROC's request for Council to indicate their position on Daylight Savings issue. It was resolved that the report be placed on public display and comment accepted by the public. The consultation process ran for one month from 17 June.

On the 15 May the Tweed Link published an article inviting public consultation on this issue. The options presented in the original report were summarised and presented as options 1 to 3 and a fourth option of *no change* was included.

**Option 1:** That daylight savings be considered east of longitude 151° E in Queensland

**Option 2:** That daylight savings be considered east of longitude 148° E in Queensland

**Option 3:** That the removal of daylight savings from the Local Government Area of Tweed Shire be considered

**Option 4:** That no changes to the existing set up be considered

In total there were 1,465 valid responses. A summary of the results are presented below:

<b>Survey Total</b>	386	83	723	273	1,465
	26.4%	5.7%	49.3%	18.6%	

A break down of the results identifies option 3 as the one with the highest response accounting for 49.3% of responses. This indicates that option 3 is not only the preferred option but it also the most strongly opposed. 32.1% (Option 1 and 2) of the responses considered a longitudinal zone worth considering for further investigation. These results were presented to both the Queensland and New South Wales Governments.

Further to these efforts, at 21 July 1999 Council meeting, a notice of motion was presented to conduct a poll alongside the council elections, this was defeated 5 - 6.

On the 30 October 1999 Peter Beattie, Premier of Queensland made it clear that he was not going to introduce temporary daylight savings for Queensland during the 2000 Olympic Games.

24 November 1999 the Coolangatta Chamber of Commerce made public a push to mount a High Court challenge over the states right to legislate over daylight savings. It is suggested that S.51 (XV) of The Constitution (federal) allows for the Federal Government to legislate on *weights and measures*. This challenge was supported by the Tweed Chamber of Commerce.

Over the years a considerable number of letters have been received by the residents of the Shire expressing their concern over the daylight savings issue. Below are some examples:

## Reports from Director Corporate Services

*"... Our family desperately needs Option 3 so that we can all spend some time together. Summer is dreadful because my husband works in Brisbane, my daughter in both states, one son in NSW and the youngest is still in school, and hates getting up in the dark to catch the school bus at 7.10 am.*

*We find having Tweed Heads and Qld on different times affects all aspects of our lives. I cannot think of one advantage."*

*"... although my husband and I appreciate the difficulties experienced by some families and businesses, we strongly object to any suggestion to do away with Daylight Savings in the Tweed Area. Any change must come from Queensland."*

*"In my opinion none of these options can work as they would only move (the) problem to other areas. Total DST for Q'land only could work giving all eastern states in line time."*

*"I wish to vote for option 3 in order to have Tweed Shire free from any daylight saving. It is my fervent hope that daylight saving will be well and truly a thing of the past by the year 2000."*

The matter of dual time zones has again been raised in a letter to Cr Brinsmead (copy attached).

The writer has requested that the matter be raised with Council.

## Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**15. ORIGIN: Administration Services Unit**

**FILE REF: Councillors - Conference**

**REPORT TITLE:**

**NSW Local Government Workshop Series**

**SUMMARY OF REPORT:**

Advice has been received from the Local Government and Shires Associations of NSW (LGSA) inviting Council to attend the NSW Local Government Workshop Series 'Councils' Leading the Way'.

**RECOMMENDATION:**

That Councillors interested in attending one of the six Workshop Series 'Councils' Leading the Way' to advise Mr Brian Donaghy, Manager Administration Services.

## Reports from Director Corporate Services

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### REPORT:

Advice has been received from the Local Government and Shires Associations of NSW (LGSA) inviting Council to attend the NSW Local Government Workshop Series 'Councils' Leading the Way'. The letter is reproduced below for Councillors information:

*"On behalf of the Local Government and Shires Associations of NSW, Environment Australia, NSW National Parks and Wildlife Service (NPWS), Department of Land and Water Conservation and Environs Australia I would like to invite you and your colleagues to attend the NSW Local Government Workshop Services: 'Councils' Leading the Way'.*

*The sustainable management of our natural resources is an important issue for all levels of government. This workshop series is another step towards the full implementation of the National Local Government Biodiversity Strategy, which was unanimously endorsed at the National General Assembly of Local Government in November 1998. The Strategy outlines the necessity for conservation and sustainable use of our natural resources through local area planning and management, and the willingness of Local Government to play a lead role in dealing with the loss of biodiversity.*

*Six workshops for local government are to be held around NSW in response to strong interest expressed by councils for information on native vegetation management mechanisms. This workshop series is sponsored by Environment Australia and NSW NPWS and supported by the LGSA and Environs Australia.*

*The aim of the workshops is to promote and encourage greater Local Government involvement in native vegetation management. In turn this will help address community concerns and foster changes in attitudes and actions, improved decision making and institutional frameworks (including information, planning, incentives and regulation).*

*As vegetation matters involve many council sections, Mayors, General Managers, and Directors of Planning and Environmental Services of all NSW councils have been invited to attend the workshops.*

*Speakers include:*

- Councillors*
- council staff (General Managers, Environmental Scientists, Directors, Natural Areas Officers, Engineers and Planners)*
- expert guests*

### **Who should attend?**

*Elected members, General Managers, other council staff, such as Environmental Officers, Managers, Engineers (roadside vegetation issues), Planners, Financial Managers*

## Reports from Director Corporate Services

*(incentives and funding issues) and other interested staff. Councils are encouraged to send multiple staff.*

### ***Benefits of attendance***

*These are capacity building workshops that will:*

- present a number of regional case studies that demonstrate achievable conservation activities.*
- provide participants with a copy of the new 'Guide for Local Government - incentives for sustainable land management'. This guide focuses on community cost sharing to conserve biodiversity on private land.*
- provide an excellent opportunity for information sharing on a regional basis.*
  - provide information on a mix of vegetation management mechanisms (strategic plans, rezoning, environmental levees, funding grants, etc) and identify methods used to suit differing council circumstances.*
  - provide an opportunity for councils to discuss and fine tune 2000/2001 Natural Heritage Trust project applications before the deadline (25 February 2000) with Bushcare facilitators.*
  - provide an opportunity for Local Government staff to meet and network with their Regional Bushcare Facilitator/s and other council staff.*

*The six workshops will be held in late January/early February 2000:*

<i>Workshop 1</i>	<i>Parramatta</i>	<i>31 January</i>
<i>Workshop 2</i>	<i>Queanbeyan</i>	<i>2 February</i>
<i>Workshop 3</i>	<i>Griffith</i>	<i>4 February</i>
<i>Workshop 4</i>	<i>Dubbo</i>	<i>7 February</i>
<i>Workshop 5</i>	<i>Gunnedah</i>	<i>9 February</i>
<i>Workshop 6</i>	<i>Kempsey</i>	<i>10 February</i>

### **WORKSHOP 6 - KEMPSEY**

#### **Friday, 11 February 2000, Kempsey RSL**

9.00am Registration

9.30am Opening

Cr Peter Mainey, Mayor, Kempsey Shire Council

## Reports from Director Corporate Services

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- Paul Bateson, National Local Government Bushcare Facilitator 'Introduction'
- 9.45am Local Government Perspective
- Ms Sue Walker, Senior Environmental Planner, Byron Shire Council 'Byron Flora and Fauna Study'
- Mr Ransce Salan, Local Agenda 21 Co-ordinator, Tweed Shire Council 'Local Agenda 21'
- Questions
- 10.35 Morning Tea
- 11.05am Project Funding and Support
- Tim Ferraro, Bushcare Co-ordinator - NSW, 'Natural Heritage Trust Bushcare Program and Funding'
- Mr Paul Bateson, National Local Government, Bushcare Facilitator, 'The Incentives Guide'
- Mr Graham Judge, Senior Strategic Planner, Tweed Shire Council 'Tweed Vegetation Management Plan'
- Catchment Committee Representative 'Importance of Regional Priorities'
- Discussion Panel
- 12.45pm Lunch
- 1.15pm Practical Workshops
- What steps can council take to increase integration with internal/external activities and organisations to produce better vegetation outcomes?
- 2.30pm Local Government Perspective
- Ms Kylie Yeend, Hunter Landcare Facilitator 'Local Government and Landcare in the Hunter'
- Tim Curran, Field Biologist, Australia Koala Foundation/Port Stephens Council 'Draft Port Stephens Comprehensive Koala Management Plan'
- Question Time
- 3.20pm Wrap Up - Paul Bateson
- 3.30pm Networking/Afternoon Tea
- NHT Funding Applications, Questions, displays, etc.



## Reports from Director Corporate Services

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4.30pm Workshop Closure

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## Reports from Director Corporate Services

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**16. ORIGIN: Director**

**FILE REF: Councillors - Fees & Voluntary Structural Reform**

**REPORT TITLE:**

**Local Government Remuneration Tribunal - Submission**

**SUMMARY OF REPORT:**

The Manager of the Local Government Remuneration Tribunal has written to the Mayor, Cr Lynne Beck, advising that a review on the level of Councillors and Mayors fees for the year 2000 determination has commenced.

The letter invites comment on the progress that Council has made in relation to possible merges or joint services associated with regionalisation. The Tribunal has also raised the possibility for a visit to regional centres to "view current activity".

**RECOMMENDATION:**

That:-

1. The General Manager prepares and lodges a submission based upon the information as set out in the report.
2. The Tribunal be invited to visit the Tweed to view the unique circumstances of the Tweed district and to clarify matters with Council.

## Reports from Director Corporate Services

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### REPORT:

The Local Government Remuneration Tribunal has written to the Mayor, Cr Lynne Beck, providing information on the process that the Tribunal is to adopt this coming year in reviewing fees payable to Councillors and Mayors. These new fees will be determined for effect on and from 1 July 2000.

Their letter of request seeks specific comment on the impact of regionalisation on Council, together with progress on possible mergers for provision of joint services with other Councils.

The letter states in part:

*“In addition to the general investigation in relation to fees and categories, the Tribunal will be assessing the issue of regionalisation and the impact it may have on Councils. In the 1999 Report, the Tribunal expressed the view that Councils which had suggested possible mergers or the prospect of providing joint services with other Councils should be supported as this approach would lead to greater efficiencies and provide discernible advantages to the residents of those areas.*

*The Tribunal is particularly interested to discover what progress has been made, if any, since the last review. Councils and County Councils are now invited to provide the Tribunal with written submissions in relation to the impacts of regionalisation on their council and region.*

*It is the Tribunal’s view that such Councils which have embraced regionalisation should be recognised through the fees set for their elected representatives. Your view is sought on the appropriateness of your Council’s categorisation in these circumstances.*

*The material should preferably be submitted in writing. However, the Tribunal plans to interview those Mayors and Councillors who particularly wish to address the Tribunal with regard to issues raised. It is intended that interviews will be held in Sydney although the Tribunal would be prepared to travel to regional centres on request to view current activities and any changes being effected.”*

In response to this request it is suggested that details of the sub-regional group of Council’s Memorandum of Understanding be provided to the Tribunal, together with the summary of the progress made by the sub-regional structural reform working party on the eight resource sharing project areas currently under progress.

The submission to the Tribunal should also include reference to these specific demographic circumstances of the Tweed, inbound migration rates, growth infrastructure demands, complexity of issues and the resultant implications on the role of the elected members and associated policy development and resourcing challenges.

It is suggested that the possibility that the Tribunal travelling to regional areas be facilitated by an invitation to visit the Tweed.

## Reports from Director Corporate Services

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This invitation will enable the members of the Tribunal to gain an appreciation of the complexity of a high growth region and the particular policy and resourcing difficulties Councillors are faced with within the Tweed.

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# Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**17. ORIGIN: Administration Services Unit**

**FILE REF: Shires Assn of NSW Conference**

**REPORT TITLE:**

**Shires Association of NSW "A" Division Conference**

**SUMMARY OF REPORT:**

The "A" Division Conference of the Shires Association of NSW is to hold its divisional conference at Casino on Monday, 7 February 2000. A call has been made for agenda items to enable an agenda to be issued by 31 January 2000.

**RECOMMENDATION:**

That Council determines any issues that need to be addressed at this meeting.

## Reports from Director Corporate Services

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### REPORT:

Advice has been received from the Shires Association of New South Wales of the "A" Division Conference requesting lodgement of motions for inclusion in the agenda for the meeting of 7 February 2000.

All motions and issues are to include background notes for submission to the Shires Association Annual Conference.

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## Reports from Director Corporate Services

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**18. ORIGIN: Director**

**FILE REF: GA8/2 Pt 5**

**REPORT TITLE:**

**Coolangatta Airport - Common User Terminal Development**

**SUMMARY OF REPORT:**

The Gold Coast Airport Limited has completed planning for the development of a new common user terminal facility at Coolangatta Airport.

They are seeking southern support for the project from Tweed Heads Council

**RECOMMENDATION:**

That Council endorses the forwarding of the draft letter contained in this report



## Reports from Director Corporate Services

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### REPORT:

The following letter has been received from Gold Coast Airports Limited regarding the development of a new common user terminal facility at Coolangatta Airport:-

*“Gold Coast Airport Limited has completed planning for the development of a new common-user terminal facility at Coolangatta Airport. The estimated cost of this terminal is \$2 million.*

*The terminal has been designed to accommodate scheduled and charter international operations for aircraft up to a 140 seat Boeing 737 - 300. It can also be used for new entrant carriers such as Virgin Australia and Impulse Airlines.*

*The new terminal will be fully air-conditioned and has been designed to meet international passenger facilitation standards. It will be a significant improvement on the current temporary facilities housed partially in the old terminal and partially in a large marquee.*

*The new facilities are also a prerequisite to the establishment of a permanent government inspection agencies presence on the airport. A permanent Customs presence will save airlines, such as Freedom Air, in excess of \$1,200 per turn around and will boost the number of services between New Zealand and Coolangatta.*

*The terminal will be serviced by existing roads, carparks, aircraft movement areas and utility services. This has resulted in a significant saving in infrastructure costs.*

*Increased direct international services and “no frills” domestic services will be of significant benefit to tourism in South East Queensland and Northern New South Wales.*

*The proposal is currently open for public comment for a 90-day period under the Major Development Plan (MDP) provisions of the Airports Act. The closing date for comments is January 24, 2000. It would be appreciated if your Council could provide a letter of comment on this development prior to that date. Some matters you may wish to comment on include*

- Job creation potential*
- Improved international gateway facilities*
- Increased tourism visitation, particularly from New Zealand*
- Facilitation of full international status*
- Development of common user facilities for new entrant airlines such as Virgin and Impulse*
- Poor standard of current facilities*
- Importance of the airport to the growth of the regional economy.*

*If you have any queries concerning this project, please phone Lyndal Dennis on (07) 5589 1107”*

## Reports from Director Corporate Services

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A copy of the "Charter Terminal Extension - Draft Major Development Plan", will be available prior to the meeting.

It is suggested that the following response be provided:-

*"Mr A D Chant  
Managing Director  
Gold Coast Airport Limited  
PO Box 112  
Coolangatta QLD 4225*

*Dear Mr Chant,*

*Thank you for the opportunity to provide comment on your proposed Charter Terminal Extension.*

*Council is delighted with the decision of the Gold Coast Airport Limited to progress the development of a new common-use terminal facility at Coolangatta Airport.*

*The airport is a key piece of transportation infrastructure essential for the ongoing development of the regions economy. It is recognised that the current facilities are not yet to a standard appropriate to the perceived status of the airport. Your development proposal is viewed as a positive move to addressing this shortcoming.*

*Tourism is an important aspect of Councils economic development strategy. Your initiative is therefore strongly supported as it will enhance the provision of gateway services for international tourists entering and leaving the region. These aspects of your development are encouraging as we believe it will lead to greater opportunities for employment for those people who enjoy or desire the lifestyle that the Tweed provides.*

*Yours faithfully*

***Dr John Griffin***  
*General Manager"*

# Reports from Director Corporate Services

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## Reports from Director Corporate Services

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**19. ORIGIN: Administration Services Unit**

**FILE REF: GE1/1/99 Pt 2**

**REPORT TITLE:**

**Council Elections - 11 September 1999**

**SUMMARY OF REPORT:**

Comparison of costs to conduct the last three Council Elections

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Corporate Services

---

### REPORT:

The final costs have now been received from the State Electoral Office for their costs in the conduct of the 1999 Council Elections. A comparison is made of the costs involved to conduct the last three elections. It is interesting to note that the vast increase in costs since the State Electoral Office have been responsible for the conduct of Local Government Elections.

<b>Year</b>	<b>Actual</b>	<b>Today's Dollar (with CPI)</b>	
1991	\$66,248	\$76,688	Council Run Election
1995	\$98,070	\$102,906	State Electoral Office
1999		\$164,436	State Electoral Office

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## Reports from Director Corporate Services

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**20. ORIGIN: Financial Services Unit**

**FILE NO: GA2/1/1 Pt2**

**REPORT TITLE:**

**Monthly Investment Report for Period Ending 31 December 1999**

**SUMMARY OF REPORT:**

Details of Council's investments as at 31 December 1999.

**RECOMMENDATION:**

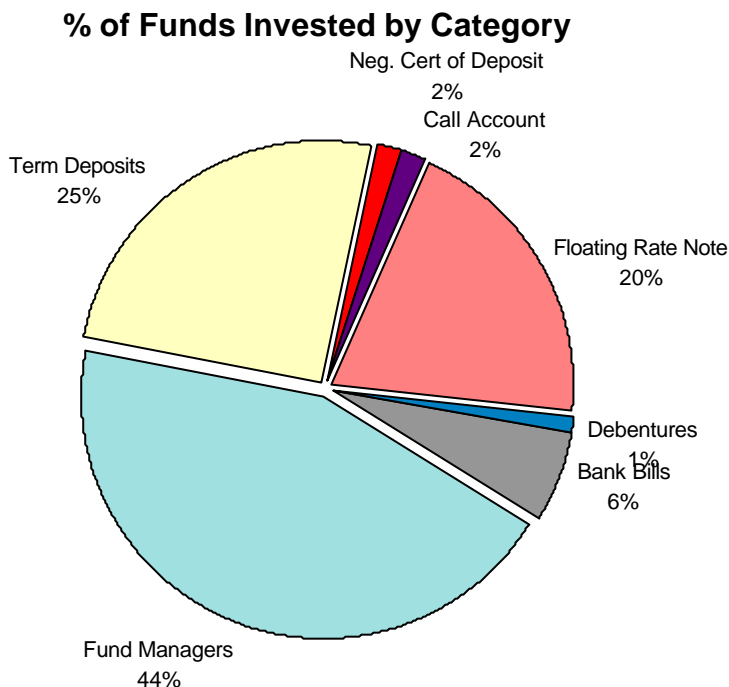
That this report be received and noted.

# Reports from Director Corporate Services

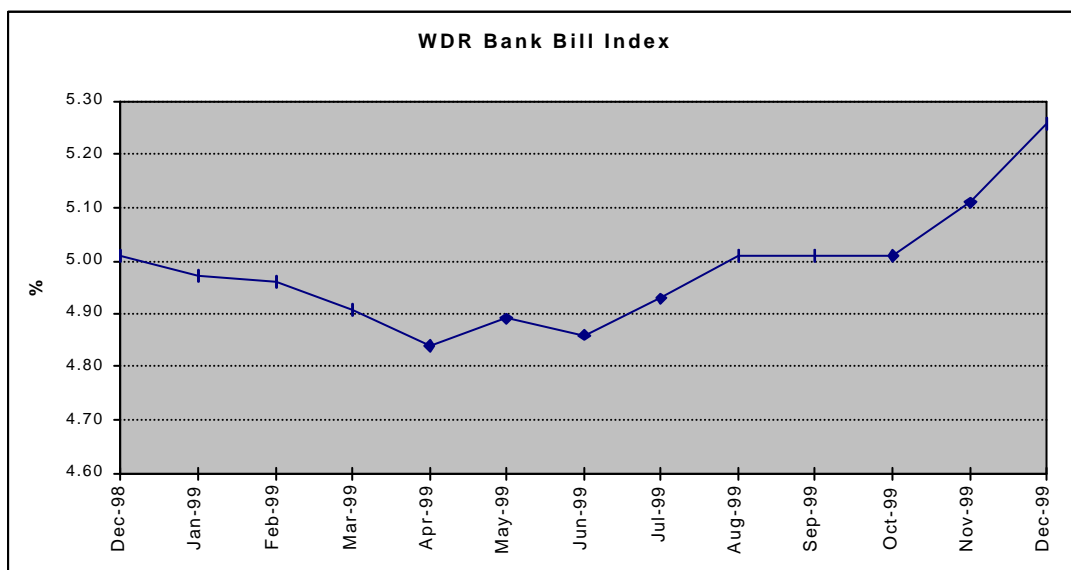
## REPORT:

This report is provided to Council to advise details of monies Council has invested in accordance with Section 625 of the Local Government Act 1993.

### 1. CURRENT INVESTMENT PORTFOLIO BY CATEGORY



### 2. INVESTMENT RATES - 90 DAY BANK BILL RATE (%)



# Reports from Director Corporate Services

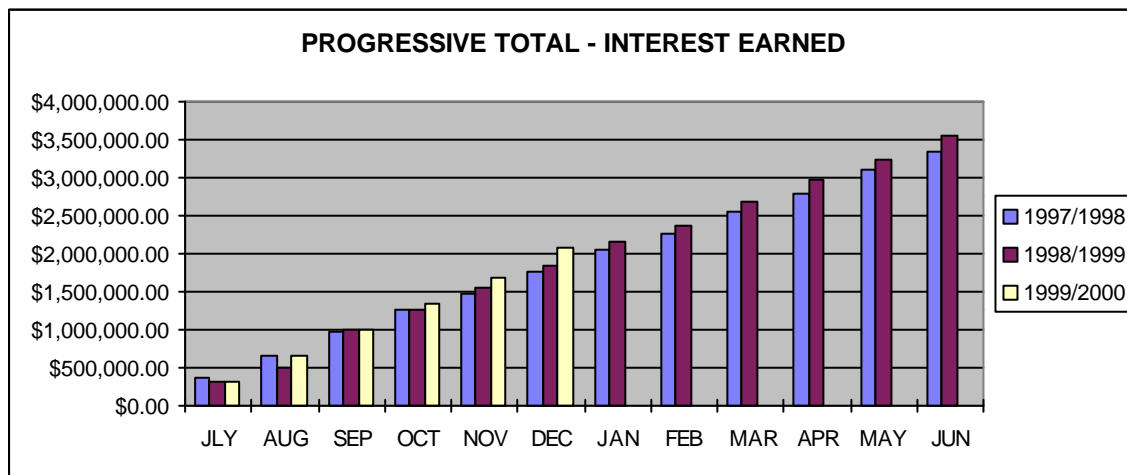
## 3. ANNUALISED RATE OF RETURN FOR FUND MANAGERS

Fund	30 Days	90 Days	1 Year
	%	%	%
ANZ	5.43	5.18	5.02
Bankers Trust	5.55	5.09	4.80
Macquarie	4.69	4.07	4.63
National Mutual	5.31	5.09	4.88

## 4. MONTHLY COMPARISON OF TOTAL FUNDS INVESTED

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## 5. ANNUAL PROGRESSIVE TOTAL OF INTEREST ON TOTAL FUNDS INVESTED



## 6. MARKET COMMENTARY

During December 30 day money market securities underperformed 60 to 180 day securities.

This was based on Year 2000 issues and concerns that this would have a greater impact on the shorter end of the market. As a large proportion of Council's portfolio was in short term securities conversion to longer term securities was a simple process allowing significant gains to be made in interest yields.

## 7. INVESTMENT SUMMARY AS AT 31 DECEMBER 1999

### GENERAL FUND



# Reports from Director Corporate Services

	BANKS	15,500,000.00	
	FUND MANAGERS	81,915.58	
	LOCAL GOVT. FIN SERVICES	2,500,000.00	
	CALL	1,319,244.08	<b>19,401,159.66</b>
<hr/>			
<b>WATER FUND</b>			
	BANKS	4,000,000.00	
	FUND MANAGERS	25,689,754.90	
	LOCAL GOVT. FIN. SERVICES	5,000,000.00	<b>34,689,754.90</b>
<hr/>			
<b>SEWERAGE FUND</b>			
	BANKS	3,056,000.00	
	FUND MANAGERS	10,335,301.86	
	LOCAL GOVT. FIN. SERVICES	14,232,165.08	<b>27,623,466.94</b>
<hr/>			
<b>TRUST</b>			
	FUND MANAGERS	50,000.00	<b>50,000.00</b>
<hr/>			
	<b>TOTAL INVESTMENTS</b>		<b>81,764,381.50</b>

It should be noted that the General Fund investments of \$19.4 million are not available to be used for general purpose expenditure. It is virtually all restricted by legislation and council resolution for such purposes as unexpended loans, developer contributions, unexpended grants and various specific purpose reserves such as domestic waste, land development and employee leave entitlements.

## STATUTORY STATEMENT - LOCAL GOVERNMENT FINANCIAL MANAGEMENT REGULATIONS (SEC 19)

I certify that Council's investments have been made in accordance with the Local Government Act 1993, the Financial Management Regulations and Council's investment policies.



**R R Norvill CPA**  
Responsible Accounting Officer  
Manager Financial Services

## Reports from Director Corporate Services

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**20a. ORIGIN: Business Undertakings Unit**

**FILE REF: DA4300/820 Pt1 (TSCRep9901.doc)**

**REPORT TITLE:**

**Kennedy Drive Traffic Capacity - Piggabeen Sports Complex Subdivision**

**SUMMARY OF REPORT:**

This report proposes that Council approves the granting of available traffic capacity on Kennedy Drive thus allowing the erection of dual occupancy dwellings as part of the Piggabeen Sports Complex Subdivision.

**RECOMMENDATION:**

That Council approves the allocation of sufficient vehicle trips per day out of the spare capacity on Kennedy Drive to allow the erection of eight (8) dual occupancy buildings within the Piggabeen Sports Complex subdivision K98/267.

## Reports from Director Corporate Services

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### REPORT:

The Piggabeen Sports Complex sub-division is a 24 lot residential development undertaken by Council as a means of using excess land acquired as part of the purchase of the old Seagulls sports complex to defray purchase costs.

Council development consent K98/267 approved the consumption of the equivalent of 24 lots of the spare capacity on Kennedy Drive based on one dwelling per lot. The Manager Business Undertakings proposes the erection of eight (8) dual occupancy buildings on the land and has received an offer to purchase seven (7) of these lots for the erection of dual occupancy buildings.

The Manager Business Undertakings is therefore seeking approval to consume a further eight (8) lots of spare capacity.

The present position in relation to spare capacity is:-

1. Spare capacity is 209 vehicle trips per day  $\pm$  32 lots
2. Current DA for winery likely to consume about 100 trips  $\pm$  16 lots
3. Therefore 109 trips remain unallocated  $\pm$  16 lots.

The recommendation to approve the allocation of the equivalent of eight (8) lots is brought to Council in the interests of probity as Council is the developer as well as consent authority.

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# Reports from Director Engineering Services

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**21. ORIGIN: Water Unit**

**FILE REF: GW3/5/3**

**REPORT TITLE:**

**Tyalgum Water Supply**

**SUMMARY OF REPORT:**

Requests have been received from residents seeking the provision of a new water treatment plant to service Tyalgum village at an estimated cost of \$1M.

**RECOMMENDATION:**

That the reticulated water supply test results for Tyalgum Village be reported to Council in May 2000, prior to a decision being taken on the request from residents for a new treatment plant.

## Reports from Director Engineering Services

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### REPORT:

Council at its meeting on 1 April 1998 considered a report on the Tyalgum Water Supply System and resolved that:

- 1. Provision be made in the 1998/99 Water Fund budget for the provision of a clear water storage facility to enhance the Tyalgum Water Supply.*
- 2. A report be prepared on the options available to Council to exclude cattle access to the pool upstream of the weir and to re-afforest the banks of the pool.*

The clear water storage facility has recently been completed and the supply system is now operating satisfactorily, within the limitations of the plant's capability. The existing plant is not capable of removing discolouration in the raw water nor can it provide the same level of filtration, as provided for the Tweed District Supply and Uki.

Recently a number of requests have been received from residents at Tyalgum seeking the upgrading of the supply to a level equal to Uki and consideration of the request by Council.

For the information of Councillors, the previous report to Council is reproduced as an attachment to this business paper. It should be noted that the Uki supply was upgraded to compensate for the high levels of iron and manganese in the raw water supply as a consequence of the Clarrie Hall Dam construction and operation. The levels at Uki in the raw water far exceeded those experienced at Tyalgum.

As the clear water storage and the replacement of the filter medium was only completed in late 1999, there has been insufficient testing to quantify any improvements in the reticulated water quality.

In relation to point 2 of the Council resolution, a revegetation plan has been prepared for the Village and bank of the stream and some discussions have been held with the landowner of the adjoining property, which is being offered for sale. Little progress has been achieved, to date, on the opposite creek bank. In each instance private property extends right to the water.

## Reports from Director Engineering Services

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**22. ORIGIN: Water Unit**

**FILE REF: NSW Coastal Conference**

**REPORT TITLE:**

**9th Annual NSW Coastal Conference**

**SUMMARY OF REPORT:**

The 9<sup>th</sup> Annual NSW Coastal Conference was held in Forster on 17 - 19 November 1999.

The full list of papers is appended to this report and full copies of the Conference Proceedings are available from Jane Lofthouse or John Henley in the Water Unit.

**RECOMMENDATION:**

That:-

1. This report be received and noted.
2. The 10<sup>th</sup> Annual NSW Coastal Conference be attended by the Chairman of the Coastal Management and Estuary Management Committees and appropriate staff.

## Reports from Director Engineering Services

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### REPORT:

The 9<sup>th</sup> Annual NSW Coastal Conference was held in Forster, NSW on 17-19 November 1999. The Conference was attended by Cr James in his capacity as a member of the NSW Coastal Committee, Manager Water John Henley and the River Management Coordinator Jane Lofthouse.

Jane Lofthouse presented a paper entitled *Managing Stormwater Pollution in Tweed Heads South*. This paper attracted considerable interest, particularly as the project included a monitoring component to assess the efficacy of the installed stormwater traps.

The range of topics at the Conference included coastal management plans and strategies, best practice in estuary management, cultural and heritage issues, acid sulphate soil management and sustainable management of coastal resources.

Of specific interest were papers that dealt with the legal and social implications from the Wallis Lake oyster contamination incident. Several papers also dealt with potential funding opportunities through the State and Federal Governments.

The full list of papers is appended to this report and a copy of the Conference Proceedings are available from the Water Unit. Please contact Jane Lofthouse if you wish to obtain copies of any of the papers.



# Reports from Director Engineering Services

TABLE OF CONTENTS	Page
<b>Graham Carter</b> - Beyond the Courtroom - Wallis Lake Catchment Assessment Program.....	1
<b>Gordon Anderson</b> - Australia's Oceans Policy and Regional Marine Planning.....	18
<b>Stephen Long &amp; Ian Cox</b> Making a Dirty Movie: Towards a Better Future - An Erosion and Sediment Control Management System.....	21
<b>Katryna Dawson</b> Our Future Drains .....	31
<b>Brian Brooker</b> The Source of Faecal Coliforms in Wallis Lake.....	38
<b>Alison Stone &amp; Rebecca Price</b> Victoria's Coast – Changing the Scene .....	61
<b>Jan Gill &amp; Richard Green</b> Sustainable Groundwater Management in Coastal NSW .....	67
<b>Stuart Barr, Doug Lord &amp; Mark Moratti</b> Sourcing Sand for Beach Nourishment in NSW .....	73
<b>Ross McPherson</b> Algal Bloom Management in Berowra Creek.....	86
<b>Graeme Hurrell &amp; Gerard Tuckerman</b> Problems of the Past – Solutions for the Future Smith Lake Estuary Management – A Case Study.....	93
<b>Peter Chappelow &amp; Julie Heysmand</b> Vessel Sewage Management.....	108
<b>Libby Boak &amp; John McGrath</b> The Management of Urban Dune Areas in Gold Coast City Part Two: Resolving Problems of the Past.....	124
<b>Peter A Jelliffe</b> Wallis Lake Storm Water Source Control Strategy .....	136
<b>Richard Nott</b> Estuarine Planning and Management Problems of the Past – Solutions for the Future.....	146
<b>Ron Billyard and Vanessa Mansbridge</b> Planning Processes in the Solitary Islands Marine Park .....	154
<b>B J Snedden, M G Alsop, N Kelleher</b> Gosford Coastal Management Solutions.....	173

## Reports from Director Engineering Services

<b>Steve McOrrie</b> Oyster Industry AIDP's (Development Plans) a Mechanism for ESD and Industry Security.....	184
<b>Tony McNamara</b> Development of ESD Indicators for Strategic Grown Options.....	192
<b>Peter Chapple, John Tainsh &amp; Jan Book</b> Coast and Clean Seas Initiative.....	205
<b>Jane Lofthouse</b> Managing Stormwater Pollution in Tweed Heads South .....	215
<b>Josephine Hieser</b> The Urban Stormwater Initiative A Big Opportunity for those who think Big!.....	226
<b>Graeme White</b> Why did the fish cross the Road? Because it could! Achieving effective fish movement across culverts and Other waterway crossings .....	231
<b>Peter Haskins, Gus Pelosi and Paul Murphy</b> Management Issues for the Rehabilitations Of Floodgated Yarrahapinni Wetland.....	236
<b>Sue Effenberger</b> Touching the intangible: Decision support systems, abstract principles, probabilism And fuzzy thinking.....	248
<b>Lex Nielsen, Peter Tate, Ian Turner, Ron Cox And Tony Bolton</b> Synthesising Field Data and Coastal Process Modelling into effective Coastal Zone Management.....	249
<b>Mitch Tulau</b> Identification and Management of Acid Sulfate Soil Priority Areas in NSW, Australia .....	259
<b>Brett Peterkin</b> Oh No! – Not the Community Again .....	271
<b>Geoff McDonald and Tracey Chambers</b> Estuarywatch – Innovative Ideas in Community Monitoring of Estuarine Ecosystem Health .....	277
<b>Craig Witt, David Gibbins &amp; Phil Watson</b> Coastline Hazard Definition – Dealing with Uncertainties and Risk .....	286
<b>Pam Dean-Jones</b> Assessment and Management of Aboriginal Archaeological Sites in Mobile Coastal Environments .....	297

## Reports from Director Engineering Services

<b>D Heggie, D Fredericks, D Palmer, C. Smith</b> Processes Controlling Nutrient Transformations In Sediments of Australian Coastal Lakes and Estuaries .....	325
<b>Douglas Lord</b> The Contribution of Ocean Water Level Anomalies to Foreshore Erosion and Inundation in NSW .....	326
<b>Kate Panayotou</b> Shoreface Sediment "Bypassing" and Aeolian Rollover .....	339
<b>Phil Woodcock</b> Using Aboriginal Reconciliation in Coastal Planning to Create Ecotourism.....	349
<b>Tony McAlister &amp; Errol McLean</b> Bringing the Estuary Processes and Management Studies Closer Together .....	352
<b>Don Geering</b> Moving Towards integrated coastal planning Using a partnership approach .....	361
<b>Noel Butler</b> Aboriginal Perspective on Coastal Management & Cultural Education .....	367
<b>Santina Depalo</b> Sustainable use of coastal floodplains and estuaries .....	368
<b>Greg Rogencamp &amp; Tony McAlister</b> Coastal lagoon catchment land use planning: A Multi-Disciplined GIS framework for decision making .....	377
<b>Robert Irvine &amp; Helen Hillier</b> Beyond Wallis Lake: New South Wales on site sewage Management reforms and Application to coastal Zone risk management .....	386
<b>Iain Suthers</b> Teaching and research at Smiths Lake: Past, Present and Proposed activities in the region .....	394

# Reports from Director Engineering Services

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## Reports from Director Engineering Services

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### 23. ORIGIN: Water Unit

**FILE REF:** Estuary Management, Cudgen Creek, Cudgera Creek & Mooball Creek

**REPORT TITLE:**

**Tweed Coast Estuaries Management Plan - Financial Assistance**

**SUMMARY OF REPORT:**

The Minister for Land and Water Conservation, Richard Amery MP, has advised Council that financial assistance of up to \$40 000 will be made available to Council on a 1:1 basis for implementation of the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks.

This funding has been made available through the Department of Land and Water Conservation's Estuary Management Program. It is matched by \$40,000 provided in the 1999/2000 budget of Council to finance Council's contribution to the Tweed Coast Estuaries Management Program.

**RECOMMENDATION:**

That Council accepts the financial assistance from the Department of Land and Water Conservation's Estuary Management Program on a 1 to 1 basis and vote the expenditure of \$40 000 from the Tweed Coast Estuaries Management Program of Council to match the offer.

# Reports from Director Engineering Services

## REPORT:

The Minister for Land and Water Conservation, Richard Amery MP, has advised Council that financial assistance of up to \$40 000 will be made available to Council on a 1:1 basis for implementation of the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks.

This funding has been made available through the Department of Land and Water Conservation's Estuary Management Program. It is matched by \$40,000 provided in the 1999/2000 budget of Council to finance Council's contribution to the Tweed Coast Estuaries Management Program.

The funds are to be used for the implementation of the Estuary Management Plan for Cudgen, Cudgera and Mooball Creeks. The Tweed Coastal Committee of Council have adopted the following draft program. This works program is to be confirmed at the next meeting of the Committee on 2 February 2000.

### 1999 - 2000 Draft Works Program

#### Tweed Coast Estuaries Management Plan

Title	Description	Amount \$
<b>Cudgen Headland Riparian Rehabilitation Works</b>	re-establish riparian vegetation and provide suitable access points to Cudgen Creek	20,000
<b>Riparian Buffer Zone Rehabilitation</b>	rehabilitation works including revegetation and measures to address bank erosion particularly on Cudgera and Mooball Creeks	40,000
<b>Canoe Interpretation Trail</b>	produce signage and brochures for self-guided canoe trails along Cudgen, Cudgera and Mooball Creeks	5,000
<b>Cudgen Creek Ecological Monitoring</b>	set up and implementation of an aquatic flora and fauna monitoring program for Cudgen Creek in conjunction with Kingscliff High School	5,000
<b>Water Quality Monitoring</b>	water quality monitoring program in Cudgen Cudgera and Mooball Creeks	5,000
<b>Stormwater Quality Improvement Projects</b>	minor works to reduce stormwater pollution in Cudgen, Cudgera and Mooball Creeks	5,000
		<b>\$80,000</b>

# Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**24. ORIGIN: Works Unit**

**FILE REF: R1640 Pt2 & Bridges - General**

**REPORT TITLE:**

**Naming of Bridge - Doon Doon Road**

**SUMMARY OF REPORT:**

Two bridges adjacent to the Fogarty and Kinneally properties on Doon Doon Road have not been formally named by Council. Mr B Kinneally has requested the recently reconstructed bridge be named "Kinneally's Bridge". However following submissions from both the Fogarty family and residents of Doon Doon the names "John Fogarty Bridge" and "Deards Bridge" would be more appropriate.

**RECOMMENDATION:**

That Council formally names the bridge at the southern end of the Fogarty property (Lot 58 DP 755743) the "John Fogarty Bridge" and that at the northern end the "Deards Bridge".



## Reports from Director Engineering Services

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### REPORT:

In early 1999 Council reconstructed a timber bridge in Doon Doon Road known on Council's Bridge Register as "Fogarty's Bridge". This bridge and another smaller bridge close by have never been formally named by Council.

On the 18 June 1999 Mr Bernard Kinneally phoned Council requesting that the newly constructed bridge be named "Kinneally's Bridge" as it adjoins his property and in recognition of his long association with the property.

Council wrote to Miss L A Fogarty on 30 June 1999 advising of his request and seeking her comments. Miss Fogarty responded that the Fogarty family and Deards family have had a much longer association in the area dating back to the early 1900's and she requested the newly constructed bridge be named the "John Fogarty Bridge" after her grandfather and the smaller bridge at the dip be named the "Deards Bridge" after her mother's father. Also on 7 July 1999 Council received a petition from residents of Doon Doon supporting the name "John Fogarty Bridge".

Searches on both the Fogarty and Kinneally property revealed the following information:

#### **FOGARTY PROPERTY (LOT 58 DP 755743)**

- Pre 1925 - Some form of Crown Land Grant or Lease
- 15.5.1925 - First purchased title registered to Harold Deards
- 12.7.1976 - Transfer to John Patrick Fogarty
- 14.2.1977 - Transfer to John Patrick Fogarty and Lorna Aileen Fogarty (joint tenants)
- 16.1.1984 - Transfer to Lorna Aileen Fogarty

#### **KINNEALLY PROPERTY (LOT 17 DP 755710)**

- Pre 1951 - Some form of Crown Land Grant or Lease
- 26.4.1951 - First Freehold title to K A Smith
- 21.1.1953 - Transfer to L L W Taylor
- 28.4.1953 - Transfer to Marjory Dolly Charlton
- 28.9.1962 - Transfer to B F & A C Kinneally

These searches do not give the full history of the settlement of the property.

Sadly, Miss Fogarty passed away on 26 December 1999 and her relations have requested that her wishes regarding the bridge naming be granted.

Attached to this business paper are copies of:

## Reports from Director Engineering Services

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1. Letter to Mr Bernard Kinneally
2. Letter to Miss L A Fogarty
3. Letter from Miss L A Fogarty
4. Petition from Doon Doon residents.
5. Petition from Miss Fogarty's relations.
6. Sketch of the properties and bridges involved.

In light of all evidence obtained it is recommended that Council now formally name the bridge at the southern end of the Fogarty property the "John Fogarty Bridge" and the one at the northern end the "Deards Bridge".

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# Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**25. ORIGIN: Water Unit**

**FILE REF: Waterways - Riverbank Erosion**

**REPORT TITLE:**

**Chinderah Foreshore Erosion**

**SUMMARY OF REPORT:**

After a lengthy period of representations an offer has been received through the Member for Murwillumbah, Mr Neville Newell MP from the Minister for Roads, the Hon Carl Scully of \$400,000 to fund repairs to the eroding river bank at Chinderah where the road formation is at immediate risk. Unfortunately this is significantly less than the current estimate of \$695,000 to revet this section but substantially more than previous offers. It is understood that there is no likelihood of the current Minister increasing this amount any further.

**RECOMMENDATION:**

That the offer from the Minister for Roads, the Hon. Carl Scully, MP of \$400,000 towards the riverbank stabilisation be accepted.

## Reports from Director Engineering Services

### REPORT:

After a lengthy period of representations an offer has been received through the Member for Murwillumbah, Mr Neville Newell MP from the Minister for Roads, the Hon Carl Scully of \$400,000 to fund repairs to the eroding river bank at Chinderah where the road formation is at immediate risk. Unfortunately this is significantly less than the current estimate of \$695,000 to revet this section but substantially more than previous offers. It is understood that there is no likelihood of the current Minister increasing this amount any further.

As previously reported to Council and including on the accompanying sketch, the total cost to complete sections A to D is \$1.175M. Current funding and commitments comprise:

Section	Est Cost \$	Funding
A	150,000	\$150,000 TRMPAC
B	80,000	Development Condition
C	250,000	\$50,000 TRMPAC
D	695,000	\$400,000 RTA

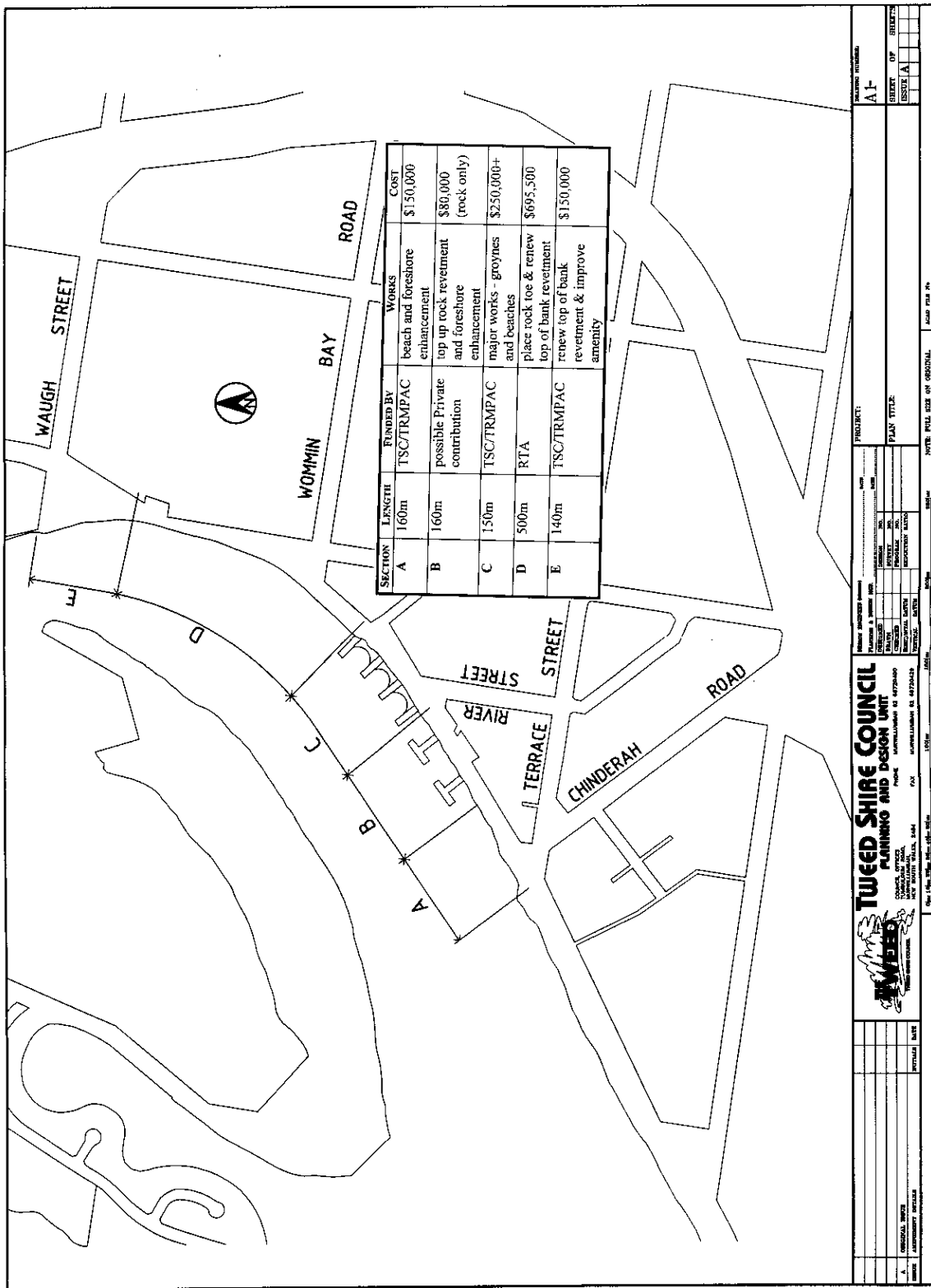
This leaves a shortfall of \$495,000.

Unfortunately it is critical that the works commence at D and progress upstream to ensure that the revetment itself does not accelerate the erosion of the unprotected bank. The \$200,000 allocated by TRMPAC was intended to maximise the recreational benefits and this will be best achieved in Section A.

This matter has been considered by the Executive Management Team and they have requested TRMPAC provide additional funding for the bank erosion control works to make up the shortfall in funding. This request will be an agenda item for the TRMPAC meeting scheduled for 2 February, 2000.

Concurrently with the pursuit of funding, development approval and native title issues are being pursued, in consultation with the Department of Land & Water Conservation, for the total project.

# Reports from Director Engineering Services



**TWEED SHIRE COUNCIL**  
**PLANNING AND DESIGN UNIT**  
 Council Office, Tweed Shire Council, 1244  
 The Esplanade, Tweed Heads NSW 2486  
 Phone: (07) 236 5555 Fax: (07) 236 5555

PROJECT: PLAN TITLE: **WOMMIN BAY**

DATE: 19/01/2000

SCALE: 1:500

DATE OF ISSUE: 19/01/2000

PROJECT NO: 19/01/2000

DESIGNER: [Name]

CLIENT: [Name]

APPROVED BY: [Signature]

DATE OF APPROVAL: [Date]

PROJECT STATUS: [Status]

PROJECT LOCATION: [Location]

PROJECT REFERENCE: [Reference]

PROJECT DESCRIPTION: [Description]

PROJECT BOUNDARIES: [Boundaries]

PROJECT AREA: [Area]

PROJECT PERMITS: [Permits]

PROJECT COST: [Cost]

PROJECT RISK: [Risk]

PROJECT IMPACT: [Impact]

PROJECT BENEFITS: [Benefits]

PROJECT CHALLENGES: [Challenges]

PROJECT OPPORTUNITIES: [Opportunities]

PROJECT RISKS: [Risks]

PROJECT MITIGATIONS: [Mitigations]

PROJECT MONITORING: [Monitoring]

PROJECT EVALUATION: [Evaluation]

PROJECT REVIEW: [Review]

PROJECT CLOSURE: [Closure]

PROJECT LEGACY: [Legacy]

PROJECT SUSTAINABILITY: [Sustainability]

PROJECT COMMUNITY ENGAGEMENT: [Community Engagement]

PROJECT TRANSPARENCY: [Transparency]

PROJECT ACCOUNTABILITY: [Accountability]

PROJECT INTEGRITY: [Integrity]

PROJECT ETHICS: [Ethics]

PROJECT COMPLIANCE: [Compliance]

PROJECT LEGALITY: [Legality]

PROJECT MORALITY: [Morality]

PROJECT JUSTICE: [Justice]

PROJECT EQUITY: [Equity]

PROJECT EFFICIENCY: [Efficiency]

PROJECT EFFECTIVENESS: [Effectiveness]

PROJECT IMPACT: [Impact]

PROJECT BENEFITS: [Benefits]

PROJECT CHALLENGES: [Challenges]

PROJECT OPPORTUNITIES: [Opportunities]

PROJECT RISKS: [Risks]

PROJECT MITIGATIONS: [Mitigations]

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PROJECT MORALITY: [Morality]

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PROJECT EQUITY: [Equity]

PROJECT EFFICIENCY: [Efficiency]

PROJECT EFFECTIVENESS: [Effectiveness]

# Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**26. ORIGIN: Planning & Design Unit**

**FILE REF: Street Scaping - Murwillumbah**

**REPORT TITLE:**

**Murwillumbah Main Streets Program Progress Report**

**SUMMARY OF REPORT:**

After four and a half years of consultation and consultancies, the community has been unable to nominate an acceptable urban design for the Murwillumbah Town Centre.

**RECOMMENDATION:**

That Council proceeds with construction of Murwillumbah Main street improvements as set out in the most recent John Deverson & Associates drawings, except that the pedestrian crossing near the cab rank be relocated to the Courthouse, and native frangipanis be used in proximity to pedestrian crossings.



## Reports from Director Engineering Services

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### REPORT:

#### INCEPTION

On 22<sup>nd</sup> June 1995 an inaugural workshop to discuss a Main Street program was held in the Murwillumbah Civic Centre auditorium. The consequent Main Street Steering Committee first met in the MSMC Dining Room on 3<sup>rd</sup> July 1995. Meetings have continued since then, initially under the auspice of the Development Services Division, but more lately Engineering Services has accepted responsibility for program works execution.

#### WOODS-BAGOT

Towards the end of 1996, Woods-Bagot Consultants were engaged to prepare a Town Centre Master Plan for the Committee. But in April 1998 Council, after engaging a Town Planning Consultant to analyse the public comments received, declined to adopt the Plan's capital works strategy as being too bold and out of scale with the "small town" character of Murwillumbah.

#### THE IN-HOUSE DESIGN

In an attempt to rescue the now directionless program, Council's Planning & Design Unit offered to prepare a simpler more affordable plan under the guidance of a "Design Committee" drawn from interested citizens. A graduate landscape architect was temporarily appointed and a set of concept drawings addressing the proposed \$600,000 budget was prepared and exhibited. This more low-key proposal was based on the idea of generating a small open space in the main street to create an recognisable town centre or "village green" which would be the focus for public transport, public toilets, visitor information and shady respite - facilities identified as important during the public consultation phase . An end-of-bridge roundabout to remedy main street inaccessibility from the Pacific Highway was also proposed. Otherwise what were felt to be largely cosmetic changes were devised for kerb lines, parking and street furniture for the remainder of Murwillumbah Street, Commercial Road and Wharf Street.

#### PARTIAL ADOPTION.

After some antagonistic public debate, and rejection of alternative "gateway" proposals prepared by architects Guymer Bailey, Council resolved in late 1998 to pursue the exhibited in-house plan, except that the focal "village green" component and associated facilities was to be deleted.

#### JOHN DEVERSON & ASSOCIATES

As the plans were still in concept form, and time was seen to be of the essence, a competitively sourced contract was awarded to John Deverson & Assoc. (urban designers & landscape architects) to prepare detailed designs and contract documentation. Council staff resources meanwhile prepared drawings for, and constructed the Commercial Road roundabout after a number of protracted design committee debates and reports to Council. However, the details in the plans prepared by John Deverson were eventually deemed unacceptable by the design committee and a further set of amended drawings was

## Reports from Director Engineering Services

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commissioned in late 1999. These latest drawings virtually retain the status quo functionally in the town except for introduction of street trees and some modest changes to kerb lines.

### THE LAST MEETING.

This amended set of drawings was put to the Design Committee on 16<sup>th</sup> December 1999. (See minutes included in this business paper.) Council's Manager - Tweed Shire Town Centre Committee Ms Rose Wright presented her report on consultation with main street traders on their attitudes to the latest plan. (appended below). Trader support was unanimous.

The meeting later resolved that the pedestrian crossing near the cab rank be moved further west to in front of the Courthouse and that it required the kerb "blister" (a local widening of the footpath to shorten pedestrian crossing distances and improve footpath amenity) at the Westpac Bank corner be deleted. (Note that Council's traffic engineer recommended the pedestrian safety 'blister' because left turning traffic was overtaking through traffic on the inside when it was stopped for pedestrians - a major safety risk. This was supported by anecdotal evidence from the meeting.) A change of tree species to native frangipani at pedestrian crossings was also promoted.

A final motion that the plans as presented (subject to reservations as discussed) receive the general support of the Committee failed, the vote being 6 - 6 with the chairman abstaining. (The membership is 31 persons.)

The latest meeting of the Design Committee (which was additional to the 'final' meetings resolved by Council) was therefore still inconclusive.

Council now has three options for action:

1. Adopt the drawings as presented (with or without all resolved amendments) and authorise construction
2. Continue to negotiate with the Design Committee in the hope of getting endorsement to a further set of acceptable revisions
3. Suspend further action on Murwillumbah Main Street improvements until a trader-instigated consensus on a vision for the retail part of the town can be achieved under their leadership.

If Option 1 is chosen, work could proceed without further delay.

If Option 2 is chosen, there is no certainty that resolution will be achieved, and further procrastination may occur.

If Option 3 is chosen, some loan monies could be released for other projects, and some rate levies would have to be refunded.

Because of the investment in public money and community effort to date, Option 1 is recommended.

## Reports from Director Engineering Services

### APPENDIX

#### *Report on consultation with Main Street Traders*

#### *regarding Murwillumbah Town Centre Streetscape Design Plan*

*The Murwillumbah Main Street program has recently been included in the Shire wide Town Centres Program. As I have had no involvement to-date with the design committee & the various changes to the proposed designs, I felt it was important to discuss the latest John Deverson & Assoc. streetscaping plans with as many of the traders in the area as possible prior to attending any design committee meetings. After discussing the plans and various issues that may be of concern to the committee with Council's senior professional staff, it was agreed that this consultation with the traders was an important tool for Council in making a decision on the implementation of the streetscape plans.*

*It was decided that four main issues would be of concern to the committee:-*

- a) The loss of car parking in the street as a result of the street works.*
- b) The tree species suggested in the streetscape*
- c) The change of traffic flow caused by the extension of the pavement at the Westpac Corner*
- d) The realignment of the pavement including the outdoor dining areas.*

*The objective of my consultation with the traders was to:-*

- a) Inform them of the proposed plans & point out the major changes to the existing streetscape.*
- b) Seek their opinion of the plans as outlined and specifically on the areas of concern as listed above.*

*To assist in the communication process, Council's Manager Recreation Services provided photographs & a description of as many of the trees proposed in the streetscape plan as possible.*

*These included:-*

*Diploglottis Cambellii – Small Leafed Tamarind*

*Flindersia Australis - Australian Teak*

*Agathus Rubusta - Kauri Pine*

*Lepiderema Pulchella - Fine Leafed Tuckeroo*

*Waterhousea Floribunda- Weeping Lilly-pilly*

## Reports from Director Engineering Services

*Syzygium fibrosum* - Lilly-pilly

*Syzygium luehmannii* - Riberry

*The verbal information given to the traders consisted of*

- a) *An outline of the relevant tree species & an opportunity to view the photos*
- b) *Description of the pavement extensions at all pedestrian crossings & corners, indicating that these extensions did not incur a loss of parking.*
- c) *Description of the outdoor dining areas notable in front of the Imperial Hotel & Margheritas Cantina & the resulting loss of parking.*
- d) *A detailed outline of the pavement extension at the Westpac Corner & the anticipated change it would have on traffic flow. It possible slow down traffic.*
- e) *Pointed out other changes such as the removal of the pedestrian crossing at the Post Office.*
- f) *Made it very clear that to implement the proposed changes to the street there would be a loss of parking in the area of an estimated 6 parking spaces.*

*During the interview I asked each trader the questions as outlined below & recorded their responses as follows.*

<i>Name</i>	<i>Business</i>	<i>Are you happy to accept the loss of carparking with the proposed street scape?</i>	<i>Are you happy with the tree species suggested in the streetscape ?</i>	<i>Are you happy to accept the change in traffic flow caused by the extension of the pavement at the Westpac corner?</i>	<i>Are you happy to accept the pavement realignment including the outdoor dining areas?</i>	<i>Comments</i>
<i>Bruce Williams</i>	<i>JH Williams &amp; Sons</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>We would have been happy with the 1<sup>st</sup> plan hurry up &amp; do something</i>
<i>Kay Cram</i>	<i>Buzz Bar</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	
<i>Ezio Zambelli</i>	<i>Zambelli's Jewellers</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Parking is a problem but it needs this improvement more</i>
<i>Andrew Thacker</i>	<i>National Australia Bank</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	
<i>Jim Larkin</i>	<i>Jim Larkin Electrical</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>It would be good to have the pots left on</i>

## Reports from Director Engineering Services

<i>Name</i>	<i>Business</i>	<i>Are you happy to accept the loss of carparking with the proposed street scape?</i>	<i>Are you happy with the tree species suggested in the streetscape ?</i>	<i>Are you happy to accept the change in traffic flow caused by the extension of the pavement at the Westpac corner?</i>	<i>Are you happy to accept the pavement realignment including the outdoor dining areas?</i>	<i>Comments</i>
						<i>the street all year</i>
<i>Julie &amp; Henry Prichard</i>	<i>Toy Kingdom</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Kingscliff is great we need this here</i>
<i>Ian Hill</i>	<i>Hill's Newsagent</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Toilets need upgrading</i>
<i>Ross</i>	<i>Dinki Di Discounts</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Ok with change to pedestrian Xing at court house</i>
<i>Jenny Bawden</i>	<i>Salvation Army Store</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	
<i>Patrick Egan</i>	<i>Patrick Egan Optometrist</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>A very positive move – no problem with the relocation of the ped x-ing at the courthouse</i>
<i>Narelle Hulme</i>	<i>Mur-bah Music</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Loading Zone &amp; Bus zones must be retained Bo problem with the relocation of the ped Xing to the courthouse.</i>
<i>Ingrid Werninghouse</i>	<i>Take 10 Coffee Shop</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Outdoor dining areas give an unfair advantage to other cafes. Doesn't want the ped X-ing moved.</i>
<i>Brian Leeson</i>	<i>Courthouse Hotel</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Supports the plan &amp; would like to consider using the pavement as an outdoor dining area.</i>
<i>Mark Harvey</i>	<i>Premier Chicken Gourmet</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>All Round a really good plan</i>
<i>Paul Pouloudis</i>	<i>Tweed Fruit Exchange</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Yes to all except Imperial Hotel</i>	<i>No problem with Truck access. More trees on North side of</i>

## Reports from Director Engineering Services

<i>Name</i>	<i>Business</i>	<i>Are you happy to accept the loss of carparking with the proposed street scape?</i>	<i>Are you happy with the tree species suggested in the streetscape ?</i>	<i>Are you happy to accept the change in traffic flow caused by the extension of the pavement at the Westpac corner?</i>	<i>Are you happy to accept the pavement realignment including the outdoor dining areas?</i>	<i>Comments</i>
					dining area.	Street
<i>Lyn Williams</i>	<i>ANZ Bank</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	
<i>Bruce Armstrong</i>	<i>Armstrongs</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Loading Zone in front of Twd Fruit should be 20 minute time frame</i>
<i>Laurie Bortoli</i>	<i>Imperial Hotel</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Coordinate an exit from rear parking area to Church Lane</i>
<i>Rachael Leedham</i>	<i>Westpac</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Happy with the change to pavement as it should improve pedestrian safety.</i>
<i>Bev Hill</i>	<i>Beverly's on Main St.</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Happy with changes to traffic flow as current crossing is dangerous</i>
<i>Cameron Raward</i>	<i>Raward Mensland</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	
<i>John Norris</i>	<i>AON Insurance</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Create staff parking areas on riverside</i>
<i>Barry McDermott</i>	<i>Work 'n' Country Wear</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Stamp pavement with colour</i>
<i>Margherita Quaranta</i>	<i>Margherita's Cantina</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>Toilets need upgrading &amp; signs to direct people</i>

# Reports from Director Engineering Services

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## Reports from Director Engineering Services

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### 27. ORIGIN: Water Unit

**FILE REF: Total Catchment Management**

#### REPORT TITLE:

**Northern Rivers Catchment Management**

#### SUMMARY OF REPORT:

The Minister for Land and Water Conservation and Minister for Agriculture, Richard Amery has announced that the 43 Catchment Management Committees throughout NSW are to be replaced with 18 new Catchment Management Boards.

The proposed Northern Rivers Catchment Management Board will encompass Tweed, Brunswick and Richmond River catchments. Council has been invited to nominate Councillors and/or Officers for positions on the Board by Monday 24 January 2000.

The importance is also emphasised of a Tweed Board relating strongly to Council's Strategic Planning Committee, e.g. the importance of planning for Terranora and Bilambil Heights.

The Manager Environment & Health Services has indicated a desire to be nominated.

#### RECOMMENDATION:

That:-

1. Council convenes a workshop on the proposal that Council pursues the formation of a Tweed Water Management Board to deal with all catchment and water management related issues in the Tweed River Valley and seeks to have this Board ratified by the relevant Ministers.
2. Nominations be invited from interested Councillors for the Northern Rivers Catchment Management Board.
3. The nomination of the Manager Environment Health & Health Services be endorsed.



## Reports from Director Engineering Services

### REPORT:

The Minister for Land and Water Conservation and Minister for Agriculture, Richard Amery has announced that the 43 Catchment Management Committees throughout NSW are to be replaced with 18 new Catchment Management Boards.

The Northern Rivers Catchment Management Board will encompass Tweed, Brunswick and Richmond River catchments. This board will replace the three Catchment Management Committees now working individually in these catchments.

Councils have been asked to nominate Councillors and/or Officers for positions on the boards by Monday 24 January 2000. There will be a small number of Local Government representatives on each board (detailed below) and the board is to cover the three catchments.

Representation on the board is 17 members made up of the following:

Local Government	local government	nominated by Local Government	2
	land holder/user	as above	1
Nature Conservation	environment interests	nominated by Nature Conserv. Council	2
	land holder/user	public advertisement	2
Primary Producer, natural resource user	land holder/user	nominated by industry groups	2
	land holder/user	public advertisement	2
Aboriginal	land holder/user	nominated by appropriate process	2
State Government	gov. authority	nominated by Minister	4

The Boards will be focused on five very specific and defined tasks.

Identify the opportunities, problems and threats associated with the use of natural resources to support rural production and protection and enhancement of the environment.

Identify the first order objectives and targets, within the overall legislative and policy framework for the use and management of natural resources.

Develop management options, strategies and actions to address the identified objectives and targets.

Assist in developing a greater understanding within the community of the issues identified and action required to support rural production and enhance the environment.

Initiate proposals for projects and assess, against targets, all projects submitted for funding under Commonwealth and State natural resource management grants.

## Reports from Director Engineering Services

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It was stated in the supplied information that *the Sydney Catchment Authority has clear, wide-ranging responsibility for the health of the Sydney water catchment so it is not appropriate to establish a board under the Catchment Management Act to cover this area.*

Given Tweed's unique discrete catchment and Local Government boundaries and the fact that most water cycle management issues (apart from Crown Land issues) are handled by Tweed Shire Council, a similar statement to that above could be said for the Tweed catchment.

This may be the opportunity to better coordinate the already well established water management committees (and other associated committees) under the one umbrella of a Water Management Board for the Tweed Valley. This "Board" would consist of a number of sub-committees - which already exist - with the purpose of integrating floodplain, estuary, catchment, vegetation and other related committees within one management structure.

The "Board" could comprise Councillors, appropriate staff, relevant Government Departments and Agencies, users and community representatives. Desirably the Board would be chaired by a Councillor and resourced by Council staff.

Its role could be to:

- Have prime responsibility for a DCP on water management. The DCP could be the Board's Constitution, documenting the structure of water management in the Tweed.
- Oversee all activities impacting on water quality and water availability in the Catchment.
- Ensure duplication avoided.
- Adjudicate on conflicts.
- Pursue funding through the State Government in line with the funding proposed for catchment management.
- Prioritise funding and projects.
- Act as a single voice for the Valley on water matters.
- Closely liaise with strategic planning in the valley.

In the currently proposed "regional" structure, there is a real risk that Tweed may not be adequately represented and decisions may be made affecting the Tweed that could be based on issues in other areas.

A Board based on the Tweed would recognise the unique potential of this Local Government area in relation to water management issues.

## Reports from Director Engineering Services

A list of water related committees follows and illustrates the number of Committees currently involved in water management issues in the Tweed. There is also a Vegetation Management Steering Committee of Council.

### WATER RELATED COMMITTEES FOR THE TWEED RIVER

Title	Membership	Role	Statutory Position	Funded by
Tweed Catchment Management Committee (defunct)	appointed chair coordinator State Government Local Government community nominees <ul style="list-style-type: none"> <li>• agriculture</li> <li>• fishing</li> <li>• Dunecare</li> <li>• environment</li> </ul>	<ul style="list-style-type: none"> <li>• to coordinate and promote activities as they relate to TCM</li> <li>• to achieve active community participation in natural resource management</li> </ul>	established under <i>Catchment Mngmnt Act 1989</i> - to be replaced by Northern Rivers Catchment Management Board	NSW Government (limited resources)
Northern Rivers Catchment Management Board (Tweed, Brunswick and Richmond Rivers) (commence March 2000) To replace 3 CMC's	local government inc. one landholder/user (3) env / conservation (4) primary producer/resource user (4) aboriginal (2) state government (4)  TBA March 2000	<ul style="list-style-type: none"> <li>• identify major natural resource issues and options for action to support rural production and protection and enhancement of the environment</li> <li>• identify objectives and targets within legislative framework for use of nat res</li> <li>• develop management options, strategies and actions to meet objective</li> <li>• assist in developing greater understanding in community</li> <li>• initiate and assess grant applications for State &amp; Fed Government grants</li> </ul>	established under <i>Catchment Mngmnt Act 1989</i> - to commence March 2000	NSW Government (DLWC)
Tweed River Management Plan Advisory Committee	Councillor chair coordinator Councillors Council staff State Government industry reps environment reps	<ul style="list-style-type: none"> <li>• implementation of Tweed River Estuary Management Plan</li> <li>• water quality</li> <li>• habitat</li> <li>• amenity</li> <li>• recreation</li> <li>• education</li> </ul>	advisory committee to Tweed Shire Council	NSW Government Estuary Management Program - DLWC (fully funded)

# Reports from Director Engineering Services

Title	Membership	Role	Statutory Position	Funded by
Far North Coast Water Management Committee (Tweed, Brunswick and Richmond Rivers)	appointed chair Executive Officer key water user groups conservation interests Local Government tourism aboriginal people catchment mgmnt State Government	<ul style="list-style-type: none"> <li>• component of NSW Water Reforms Program</li> <li>• develop 5 year water management plan for Tweed, Brunswick and Richmond</li> <li>• promote bmp and community involvement</li> <li>• considers wq issues and water licensing</li> </ul>	reports to relevant State Ministers	NSW Government through Water Reform Program
Floodplain Management Committee	Councillors Council staff State Government community reps	to plan and advise Council on Floodplain Management Plans and Works in accordance with NSW Govt. Flood Policy	advisory committee to Tweed Shire Council	TSC / NSW Government (1:2) TSC / NSW / Fed (1:1:1)
Tweed Coastal Committee	Councillor chair coordinator Councillors Council staff State Government community reps	<ul style="list-style-type: none"> <li>• estuary management for Cudgen, Cudgera and Mooball Cks</li> <li>• coastline management</li> </ul>	advisory committee to Tweed Shire Council	TSC and NSW Government (1:1)
Healthy Rivers Commission	independent public inquiry (NSW Gov) - due in Tweed 2000-2001	<ul style="list-style-type: none"> <li>• community consultation</li> <li>• develop a report on individual river systems on ecological, social and commercial goals. Identify objectives for water quality, river flow and river health and methods to achieve these.</li> </ul>	Independent Public Inquiry reporting to relevant Minister, NSW State Government	NSW Government
Landcare, DuneCare, RiverCare	community groups	<ul style="list-style-type: none"> <li>• on-ground activities with Government support</li> </ul>	nil	Federal, State, Local Gov.; other grants; sponsorship; volunteers
Tweed Shire Council Water & Wastewater Steering Committee	Council staff Department of Public Works & Services Department of Land & Water Conservation	<ul style="list-style-type: none"> <li>• advice to Council on water and wastewater infrastructure strategies</li> </ul>	advisory to Council	Water and Sewerage Funds and Grants

# Reports from Director Engineering Services

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## Reports from Director Engineering Services

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**28. ORIGIN: Works Unit**

**FILE REF: GP2/2 Pt10**

**REPORT TITLE:**

**Supply & Delivery of Road Sweeper - EC99113 - Precis of Confidential Item**

**SUMMARY OF REPORT:**

Tenders for the supply and delivery of one suction type road sweeper closed at 4:00pm on 3 November 1999.

**RECOMMENDATION:**

That this report be dealt with under the Confidential Agenda.

## Reports from Director Engineering Services

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### REPORT:

Tenders were invited closing 4:00pm Wednesday, 03 November 1999 for the supply and delivery of one (1) only Suction Type Road Sweeper with trade-in of Ebeling Suction Type Road Sweeper purchased in November 1988 at a cost of \$132,270.

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## Reports from Director Engineering Services

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**29. ORIGIN: Water Unit**

**FILE REF: PF4720/450 & Floodplain Management Plan - East  
Murwillumbah/Dorothy St**

**REPORT TITLE:**

**Floodplain Management Program - Voluntary Purchase 1999/2000 - Precis of Confidential Item**

**SUMMARY OF REPORT:**

Council has been offered the property at 89 River Street, South Murwillumbah comprising Lot 10 Section 14 in DP 2974 under its Voluntary Acquisition Program of floodprone properties in this area of South Murwillumbah.

**RECOMMENDATION:**

That this report be dealt with under the Confidential Agenda.



## Reports from Director Engineering Services

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### REPORT:

Council has been offered a property owned by Mr RJ Grant at 89 River Street, South Murwillumbah comprising Lot 10 Section 14 in DP2974.

The property is located within the approved area of Council's Voluntary Purchase Program of floodprone properties at South Murwillumbah. The Department of Land and Water Conservation has advised that the property is eligible for subsidy.

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## Reports from Director Engineering Services

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**30. ORIGIN: Works Unit**

**FILE REF: Plant/Equipment**

**REPORT TITLE:**

**Tender EC99120 Supply & Delivery of One Grader with Trade-in of Komatsu GD 525 Grader - Precis of Confidential Item**

**SUMMARY OF REPORT:**

Tenders for the supply and delivery of one motor grader were publicly opened at 4:00pm on Wednesday 15 December 1999. Following evaluation of each conforming machine the offer from Gough & Gilmour is considered most suitable to Council's purpose.

**RECOMMENDATION:**

That this report be dealt with under the Confidential Agenda

## Reports from Director Engineering Services

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### REPORT:

Tenders for the supply and delivery of one motor grader were publicly opened at 4:00pm on Wednesday 15 December 1999. Following evaluation of each conforming machine the offer from Gough & Gilmour is considered most suitable to Council's purpose.

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## Reports from Director Engineering Services

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**31. ORIGIN: Water Unit**

**FILE REF: PF1260/481**

**REPORT TITLE:**

**Lot 2 DP 877100 Lone Pine Road, Doon Doon -- Electricity Supply - Precis of Confidential Item**

**SUMMARY OF REPORT:**

A claim has been received from Mr & Mrs R Duckworth seeking Council to pay for the extension of electricity by NorthPower to and within their land being Lot 2 DP 877100 as outstanding compensation from the acquisition of land by Council for the Clarrie Hall Dam in the 1980's.

**RECOMMENDATION:**

That this report be dealt with under the Confidential Agenda

## Reports from Director Engineering Services

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### REPORT:

A claim has been received from Mr & Mrs R Duckworth seeking Council to pay for the extension of electricity by NorthPower to and within their land being Lot 2 DP 877100 as outstanding compensation from the acquisition of land by Council for the Clarrie Hall Dam in the 1980's.

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## Reports from Director Engineering Services

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**32. ORIGIN: Water Unit**

**FILE REF: GS6/8/4 Pt2**

**REPORT TITLE:**

**Trade Waste Effluent - Hastings Point Sewage Treatment Plant - Precis of Confidential Item**

**SUMMARY OF REPORT:**

An application has been received seeking approval for the acceptance by Council at its Hastings Point Sewage Treatment Plant of the treated effluent from up to 20,000 litres/week of externally sourced trade waste.

**RECOMMENDATION:**

That this matter be considered in the Confidential Agenda.

## Reports from Director Engineering Services

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### REPORT:

An application has been received seeking approval for the acceptance by Council at its Hastings Point Sewage Treatment Plant of the treated effluent from up to 20,000 litres/week of externally covered trade waste.

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## Reports from Director Engineering Services

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**33. ORIGIN: Water Unit**

**FILE REF: GS1/2 Pt1 & Streetlighting - Annual Program**

**REPORT TITLE:**

**1999/2000 Street Lighting Program**

**SUMMARY OF REPORT:**

The 1999/2000 Street Lighting Program has been developed from requests received.

**RECOMMENDATION:**

That this report be received and noted.



# Reports from Director Engineering Services

## REPORT:

In response to requests received, the following locations are recommended for the provision of additional street lighting as part of the 1999/2000 Street Lighting Program.

<b>1999/2000 STREETLIGHT PROGRAM</b>		
<b>REQUEST NO.</b>	<b>POLE NO.</b>	<b>LOCATION</b>
<b>TWEED HEADS</b>		
1	17213	Angela Street
2	4613	Honeysuckle Street (eastern leg)
3	52446	Kennedy Drive Pedestrian Crossing Outside Units at 180 Kennedy Drive
4	39973	McGregor Crescent
5	39974	Upgrade existing fluoro
6	126446	McAllisters Road
7	31890	Jacaranda Avenue
8	34795	Sunset Boulevard
9	7922	Peter Street
10	641-8	Peter Street
11		Jewel Court at end of Cul-de-sac
12		Sandpiper Avenue at Junction Box adjacent to No. 4 Sandpiper
13		Darlington Drive between Lochlomond Drive and Tralee Drive
<b>CUDGEN</b>		
14	126166	Clarke Street in Cul-de- sac near walkway
15	126164	Clarke Street
<b>STOKERS VILLAGE</b>		
16	17154	Stokers Road - village area
17		Stokers Road: pole north of pole 17154
18		Stokers Road: pole opposite bus shelter at Smiths Creek Road intersection



# Reports from Director Engineering Services

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# Reports from Director Environment & Community Services

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**34. ORIGIN: Environment & Health Services Unit**

**FILE REF: Cemeteries Tweed Heads**

**REPORT TITLE:**

**Tweed Heads Cemetery**

**SUMMARY OF REPORT:**

The Tweed Heads Cemetery has now less than 40 sites available for purchase and as it is considered desirable to retain a small number of sites it is considered that sales of new sites should cease as from 1 February 2000.

**RECOMMENDATION:**

That no further sale of burial sites at the Tweed Heads Cemetery takes place after 1 February 2000.

## Reports from Director Environment & Community Services

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### REPORT:

Council is advised that at the time of drafting this report there are less than 40 grave sites available for purchase at the Tweed Heads Lawn Cemetery.

It is considered appropriate that a small number of such sites be retained for possible future emergency use and accordingly it is recommended that as from 1 February 2000 no further sites be sold.

The Tweed Valley Cemetery with over 11,000 sites has sufficient capacity and was designed as a centralised cemetery for the Shire and the centralisation of burials at this cemetery will eventually lead to economic efficiencies.

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## Reports from Director Environment & Community Services

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### 35. ORIGIN: Recreation Services Unit

**FILE REF:** Sport and Recreation General & Sports Advisory Committee

**REPORT TITLE:**

**Australian Sports Medal**

**SUMMARY OF REPORT:**

In the year 2000 the Commonwealth Government will be producing a commemorative medal to celebrate Australia's sporting achievements. The medal will be known as the Australian Sports medal and will be issued during the year 2000. Each Council in New South Wales can nominate 14 recipients. The New South Wales Minister for Sport and Recreation, the Hon John Watkins MP, is seeking the assistance of Local Government to identify appropriate recipients of the Australia Sports Medal.

**RECOMMENDATION:**

That:-

1. Council confirms its involvement in the Australian Sports Medal awards and notifies the Department of Sport and Recreation of such.
2. The Manager Recreation Services be nominated as the contact person.
3. Council advertises for nominations in the Tweed Link.
4. The 14 Nominees to be selected by a selection panel comprising:
  1. The Chairman and Councillors on the Sports Advisory Committee being Cr Polglase, Cr Boyd, Cr Lawrie and Cr Youngblutt.
  2. Two other persons from the Sports Advisory Committee as nominated by the committee.
  3. Manager Recreation Services
5. Council to be sent the medals and a presentation ceremony organised.

# Reports from Director Environment & Community Services

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## REPORT:

### INTRODUCTION

In the year 2000 the Commonwealth Government will be producing a commemorative medal to celebrate Australia's sporting achievement. The medal will be known as the Australian Sports Medal and will be issued during the year 2000.

The NSW Minister for Sport and Recreation, the Hon John Watkins MP, is seeking the assistance of local government to identify appropriate community recipients of the Australian Sports Medal.

Each Council in NSW can nominate 14 recipients. The Minister will in turn pass on your recommendations to the Governor-General for consideration.

The Department of NSW Sport and Recreation state that this distinctive mark of recognition given during a year when the eyes of the sporting world are on Australia and made on a once-only basis should be highly regarded by recipients and respected by the sports community. It is not intended, however, that the award be restricted to athletes and others connected with the Sydney 2000 Olympic Games or performance at the elite level only, but rather to celebrate the nation's wider sporting achievement.

### TIME FRAME

Council's are requested to confirm their involvement and nominate a contact officer by 31 January 2000. The last date for nominations from council will be received on 31 May 2000 with all awards being approved by the Governor-General during the year 2000.

### DESIGN

The design of the Medal will be approved by the Queen and will consist of the following elements:

- a circular medal, hung from a ring through which the Medal ribbon will be looped and made in a silver coloured metal;
- a ribbon to represent Australia's national (and traditional sporting) colours of green and gold as specified in the Governor-General's proclamation of 19 April 1984;
- a main piece, the obverse of which will bear a theme signifying sporting achievement;
- a reverse bearing the words 'To commemorate Australian sporting achievement' and the numeral '2000'. An engraving plinth will bear the recipient's name;
- a half size miniature of the above; and
- a ribbon bar.

### PROCESS

The Department advises the following process.



## Reports from Director Environment & Community Services

1. Contact NSW Sport and Recreation by 31 January 2000 to confirm Council's involvement and to nominate a Council contact officer for the process. If Council does not wish to be involved in identifying recipients of the Medal, The Department must be advised by 31 January 2000 so the Medal quota can be reallocated.
2. Identify 14 nominees. This will be achieved through advertising in the Tweed Link and through the Sports Advisory Committee newsletter. A pro-forma nomination form is supplied by the Department.
3. Upon identification of 14 nominees, an official nomination form for each nominee is completed and forwarded to the Department by 31 May 2000. To ensure confidentiality of nominations, it is recommended a small selection panel be convened to assess applications and select 14 nominees. The selection panel to consist of the Chairman and Councillors of the Sports Advisory Committee, 2 other members of the Sports Advisory Committee as nominated by the committee and the Manager Recreation Services. The selection criteria is as follows:
  - Nominees must be living at the time they are nominated but can be retired from active participation.
  - Non-Australian citizens may be nominated but the Medal will not be approved until the Commonwealth Government has sought and received the agreement of the nominee's home government that they may accept the award.
  - All persons nominated are to be in good standing with their sport. Controversy should be avoided. Persons charged with using performance-enhancing drugs, for example, or who have been found guilty of a criminal offence (whether connected to the sport or not) should not be nominated.
  - Councils may nominate persons from sports not recognised by the Australian Sports commission, such as horse racing.
  - Nominations may be drawn from the following categories:
    - Sporting icons
    - Players or competitors
    - Members of the support base, eg  
  
coaches, referees, umpires,  
office holders and administrators  
those who maintain grounds, pitches, tracks, etc  
those who contribute to the health and fitness of participants  
facility managers  
advisers  
benefactors  
fundraisers  
sports scientists  
logisticians

## Reports from Director Environment & Community Services

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- Those whose contribution has been to sport within a state or locality rather than to one sport through, for example, donating land for a public playing area which is used by many clubs; those who have served on advisory bodies; personnel who manage or maintain major publicly owned, multi-use sporting venues; officials of sporting halls of fame; etc.
  - Spectators are not eligible for nomination.
  - Eligible persons include both amateurs and professionals.
  - Nominations made should be reflective of a diverse community.
  - Particular weighting is to be accorded to those who have put something back into sport, for example players who have given years of free coaching to disadvantaged children.
  - **The State and Commonwealth Governments will not sound nominees as to their willingness to accept the award. Councils should satisfy themselves that nominees will be pleased to accept the award. Councils should not, however, tell nominees that they will definitely receive an award. It is a matter for the Governor-General.**
  - The option of presenting the medals in a presentation ceremony or having them sent directly to recipients is offered. As this is an opportunity to recognise those that contributed greatly to our community, it is recommended the medals be forwarded to a nominated officer responsible for organising a presentation ceremony.
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## Reports from Director Environment & Community Services

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**36. ORIGIN: Director**

**FILE REF: DA1460/565 Pt2 Library Services Kingscliff**

**REPORT TITLE:**

**Proposed Community Health Centre - Kingscliff**

**SUMMARY OF REPORT:**

Council on 4 August 1999 agreed to lease a portion of the site where the Kingscliff Library is being erected to the Northern Rivers Area Health Scheme for 40 years. The Area Health Service has requested that they be provided with a 40 year option in addition.

**RECOMMENDATION:**

That the Northern Rivers Health Service be advised that Council is not prepared to add a 40 year option to its offer to lease an area adjacent to the Kingscliff Library currently being constructed and the offer remains as was resolved by Council on 4 August 1999.

## Reports from Director Environment & Community Services

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### REPORT:

Council at its meeting of 4 August 1999 dealt with a request from the Northern Rivers Area Health Service to lease a portion of the site adjacent to the proposed Kingscliff Library.

Council resolved as follows:

*“...that Council indicates to the Northern Rivers Area Health Service that it is proposed to enter into an agreement to allow the Area Health Service to erect a Community Health Building on the same site and adjacent to the proposed Kingscliff Library for use by the Northern Rivers Area Health Service for a 40 years lease at \$1 per annum for land only.*

*Such agreement to be subject the Northern Rivers Area Health Service as part of its project:-*

- a) Providing a bus bay in Turnock Street.*
- b) Extending the driveway through the site from the proposed car park for the library to Cudgen Road.*
- c) Providing \$6,127 towards site landscaping.*
- d) Providing \$10,000 towards stormwater and sediment control on the site.*
- e) Paying Council an annual outgoing figure to be negotiated towards costs of site and infrastructure maintenance and general, sewerage and water rates as Council pays these rates on all its properties.*
- f) Subject to the concurrence of these terms by the Northern Rivers Area Health Service, the matter be referred to Council’s Solicitors to draw up an agreement and the cost of such agreement to be borne by the Northern Rivers Area Health Service.*
- g) All costs associated with preparing a lease and any agreement be borne by the Northern Rivers Area Health Service.”*

The Area Health Services has through its solicitors requested a further option of 40 years be added to the lease.

It is considered that Council ought not agree to such an option owing to the already generous nature of Council’s offer and that such a request was not part of the original negotiations.

Forty years is considered an adequate time frame for the Area Health Service to amortise its investment in the building.

The Council of the day could make a further decision regarding the use of the building in light of needs at that time.

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## Reports from Director Environment & Community Services

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**37. ORIGIN: Environment & Health Services Unit**

**FILE REF: PF4040/5165 Pt1 Art Gallery**

**REPORT TITLE:**

**Proposed New Art Gallery Site**

**SUMMARY OF REPORT:**

Council has resolved to accept an offer of land from D & M Anthony for a new gallery. Adjoining this site is a small parcel of land owned by State Rail and it is considered advantageous for Council to purchase this site and incorporate it into the gallery site

**RECOMMENDATION:**

That Council negotiates with State Rail for the purchase of Lot 124 DP915277 Pacific Highway Stokers Siding for inclusion in the proposed Art Gallery Site.

## Reports from Director Environment & Community Services

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### REPORT:

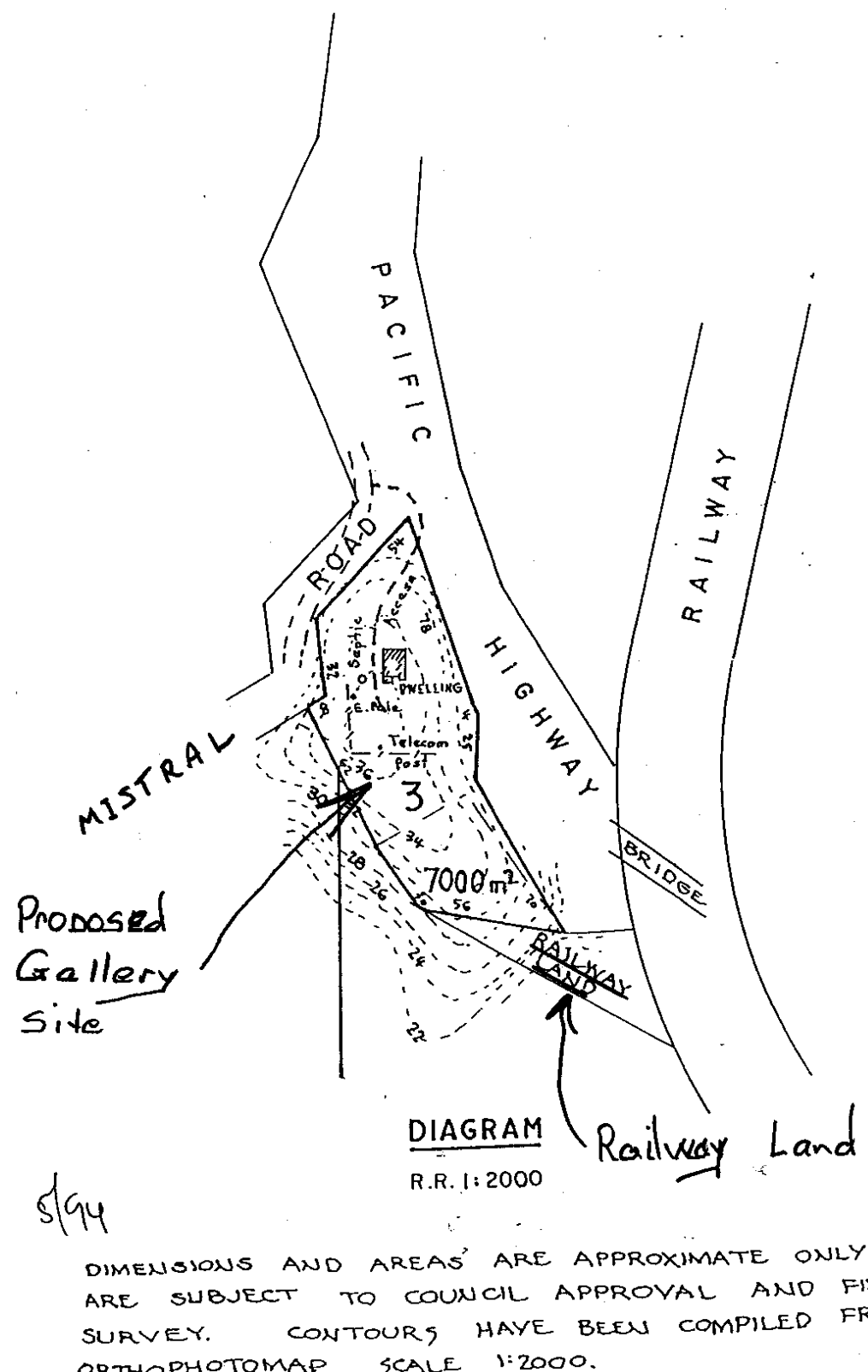
Council has previously resolved to accept an offer of land for a new art gallery site from D & M Anthony on land fronting the Pacific Highway & Mistral Road South Murwillumbah. Adjoining this site to the south is a small, approximately 1700m, piece of land owned by State Rail.

The purchase of this site and inclusion into the gallery site is considered advantageous especially in relation to traffic movement and landscaping.

State Rail have been contacted and have indicated a willingness to sell the land to Council. Funds exist in the current budget to allow purchase of this small site.

Accordingly it is recommended that Council negotiates with State Rail for the purchase of the site for inclusion into the gallery site.

# Reports from Director Environment & Community Services



## Reports from Director Environment & Community Services

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## Reports from Director Environment & Community Services

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**38. ORIGIN: Environment & Health Services Unit**

**FILE REF: Pool - T H Indoor & Govt Grant - Sport & Recreation**

**REPORT TITLE:**

**Tweed Heads Pool Complex**

**SUMMARY OF REPORT:**

Council has been advised that it has been offered a \$3,000.00 Sport & Recreation Department grant for construction of a change room and toilet for disabled patrons at the Tweed Heads Pool.

**RECOMMENDATION:**

That Council accepts the \$3,000.00 grant from the Department of Sport & Recreation and votes the expenditure of the funds for the purpose of the construction of change room and toilet facility at the Tweed Heads Complex.

## Reports from Director Environment & Community Services

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### REPORT:

Council has been advised that its application for funding assistance for the alteration to an existing storage area to create a change room and toilet for disabled patrons has been approved albeit for \$3,000.00 in lieu of the \$10,000.00 applied for. However this amount will assist in the provision of this much needed facility.

It is therefore recommended that Council accepts the grant and votes the funds for the project.

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## Reports from Director Environment & Community Services

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**39. ORIGIN: Director**

**FILE REF: Mayoral Aviation Council**

**REPORT TITLE:**

**Membership of Australian Mayoral Aviation Council**

**SUMMARY OF REPORT:**

The Mayor has requested that a report be presented to Council to allow consideration of Councils future membership of the Australian Mayoral Aviation Council (AMAC)

**RECOMMENDATION:**

That Council continues its membership of the Australian Mayoral Aviation Council (AMAC).

# Reports from Director Environment & Community Services

## REPORT:

The Mayor has requested that a report be presented to Council to allow consideration of Councils future membership of the Australian Mayoral Aviation Council (AMAC)

Council has been a member of AMAC for a number of years. The membership of AMAC is as follows:

### List of Member Councils as at September 1999

<u>New South Wales</u>	<u>Tasmania</u>
Ashfield	Clarence
Botany Bay	
Canterbury	<u>Victoria</u>
Drummoyne	Brimbank
Hurstville	Greater Geelong
Marrickville	Hume
Randwick	Kingston
Rockdale	Melton
South Sydney	Moonee Valley
Sutherland	Wyndham
Tweed Shire	
Waverley	<u>Western Australia</u>
	Bassendean
<u>Queensland</u>	Bayswater
Brisbane	Belmont
Cairns	Canning
Ipswich	Cockburn
Maroochy	Gosnells
Townsville	Kalamunda
	Melville
<u>South Australia</u>	Mundaring
Charles Sturt	South Perth
Holdfast Bay	Swan
West Torrens Thebarton	

## Reports from Director Environment & Community Services

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The Constitution of AMAC adopted on 3 November 1999 lists the following “Purposes” for the AMAC:

- 1. To ensure that all reasonable measures are taken by Government to minimise the effects of aircraft and airport operations on local communities throughout Australia.*
- 2. To achieve recognition by Government as a consultative group representing the interests of the communities affected by aircraft and airport operations and development.*
- 3. To establish effective mechanisms by which the Australian Mayoral Aviation Council is consulted by Government during the early stages of planning for both changes in airport operations and airport development proposals.*
- 4. To establish ongoing liaison with airline operators and other organisation having vested interest in airport operations, with a view of achieving co-operation and understanding on matters of concern to communities affected by aircraft noise and airport operations.*
- 5. To press for urgent legislation to emanate from the States which are responsible for the land use around airports, through the municipalities in conjunction with the Federal Government, to establish in law that residential areas subjected to high noise levels in accordance with noise contours which have been agreed upon are entitled to compensation.*

These purposes are not dissimilar to Councils resolutions to seek better flight paths and a noise amelioration scheme and establish an airport precinct around Coolangatta Airport.

A file copy of the Constitution is available from the Director Environment and Community Services for any Councillor to read.

The power of AMAC to lobby governments and seek action on the matters listed in the purpose are and will continue to be relevant to Tweed Shire with its significant population number which are affected by noise from airport operations at Coolangatta Airport.

This is better summarised in the Corporate Plan of AMAC which is as follows:

## Reports from Director Environment & Community Services

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### ⇒ VISION

- ✓ To ensure compatibility between airport activities and community wellbeing.

### ⇒ MISSION STATEMENT

- ✓ AMAC is committed to ensure all reasonable measures are taken to minimise any deleterious effect of airport and non-airport related operations on communities.

### ⇒ CORPORATE VALUES

- ✓ The corporate aspirations of AMAC relate to the achievement of a sustainable balance between the essentiality of a buoyant aviation industry and the inalienable right of communities to "quiet enjoyment"

#### Related To:

- \* Co-operation & Co-ordination
- \* Relative justice
- \* Responsibility & Accountability
- \* Ethical Conduct
- \* Competent level of administration
- \* Progression to achievement of vision statement

### ⇒ OBJECTIVES

- ✓ To protect the environment
- ✓ To encourage responsible land use planning & development
- ✓ To generate economic development
- ✓ To maximise employment opportunities
- ✓ To facilitate community - Government relationships
- ✓ To act as a resource base & information source for constituent members
- ✓ To co-ordinate local authorities

## Reports from Director Environment & Community Services

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### ⇒ ACTION PLANS

- Achieve recognition by Federal and State Governments, the F.A.C. and airport owners and operators as representing the national voice of Local Government and communities on airport planning and operational matters
- Encourage airports and communities as development catalysts
- Seek independent monitoring of airport operations
- Act as an educational, research, operational and resource sharing facility for member authorities
- Act as the co-ordinating body for Local Government on airport related issues
- Act as a conduit for community and government consultation
- Seek appropriate legislation in Federal and State constituencies to provide physical and financial relief to affected communities
- Support Local Governments having control of non-airport operations and land use planning on and surrounding airports
- Encourage responsible land use planning
- Protect the environmental amenity
- Encourage economic development, including trade, tourism and employment opportunities
- Ensure airports act as responsible operators and good neighbours
- Maximise membership in accordance with the Constitution

## Reports from Director Environment & Community Services

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AMAC has been vital in providing information to Council's officers in relation to noise issues around airports. Staff have had visits to Botany Council to the AMAC Project Manager to get assistance with ANEF and Australian Standard AS2021 matters and gain a better understanding of noise monitoring around airports. This assistance has also been available by telephone and written communication.

AMAC also assisted in Council's officers gaining a full understanding of the noise amelioration methods around Sydney Airport with information and by providing contacts with the Project Team.

On airport issues, AMAC is the Risk Local Government Body and on these issues assists Council members in a similar way to that provided by the Local Government & Shires Association on other matters of Council operation.

Significantly the AMAC Executive Director and Project Manager on one occasion and the Project Manager on another occasion have visited Tweed and made presentations and answered questions from Councillors on Master Plan, Environmental Manager Plan and noise issues in connection to Council's relationship with Coolangatta Airport.

These presentations were considered valuable by Councillors at the time and relevant to the issues being dealt with by Council. The visits were at no cost to Council.

The last membership paid by Council was \$1,000 and was paid in June 1999.

The benefit to Council of belonging to, and having access to the information and expertise provided by AMAC is considered to provide value for the membership costs.

Council can each year decide if it wishes to be represented at the annual AMAC Conference depending upon the relevance of the information to be provided.

A compact disc of the proceedings of the last conference has been provided to Council and any Councillor wishing a hard copy may request same from Director Environment & Community Services.

Copies of the last six AMAC newsletters are appended to this business paper.

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# Reports from Director Environment & Community Services

## 40. ORIGIN: Recreation Services Unit

**FILE REF: GT1/DCP/3 Pt8 & GT1/S94/1**

### REPORT TITLE:

**Amendments to Contribution Plan No 1 Structural Open Space**

### SUMMARY OF REPORT:

Section 94 Contribution Plan No 1 for Structured and Passive Open Space applies to residential land affected by Development Control Plan No. 3 - Banora Point West/Tweed Heads South. The provisions of this plan came into force on 30 June 1993. Since it's adoption, the evolution of active open space requirements in Banora Point/Tweed Heads has necessitated a adjustment in the plans works program. The recommended adjustments to the works program are outlined in the following report.

### RECOMMENDATION:

That Council:-

- Notes the amendments to the Contribution Plan No. 1 Active Open Space works program as set out below.

#### Amended works program Area 1:

Seal carpark	\$80,000
Irrigation	\$40,000
Access	\$132,000
<b>Total</b>	<b>\$252,000</b>

#### Amended works program Area 2:

Topsoil & Seeding	
Irrigation	
Amenities	1 x \$76,800
Lighting	\$40,000
<b>Total</b>	<b>\$116,800</b>

#### Amended works program Area 6:

Plan Design	\$10,000
Landscaping	\$81,000
Skateboard/basketball facility	\$85,000
Seating and shade	\$33,000
<b>Total</b>	<b>\$209,000</b>

## Reports from Director Environment & Community Services

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2. Exhibits the draft amendments to Contribution Plan No. 1 Active Open Space showing the proposed change of use for Area 6
3. Votes the expenditure of \$40,000 from Contribution Plan No. 1 Active Open Space for lighting at area 2 (Ron Wilkinson Fields).
4. Votes the expenditure of \$40,000 from Contribution Plan No. 1 Active Open Space for irrigation at area 1 (Dave Burns Fields).
5. Votes the expenditure of \$10,000 from Contribution Plan No. 1 Active Open Space for the design phase of a skatepark/basketball open green area and associated landscaping and facilities at area 6.

# Reports from Director Environment & Community Services

## REPORT:

Section 94 Contribution Plan No 1 for Structured and Passive Open Space applies to residential land affected by Development Control Plan No. 3 - Banora Point West/Tweed Heads South. The provisions of this plan came into force on 30 June 1993. Since it's adoption, the evolution of active open space requirements in Banora Point/Tweed Heads has necessitated an adjustment in the plan's works program. The recommended adjustments to the works program are outlined in the following report.

The recommended adjustments represent no increases in contributions or expenditure.

### AREA 6

Area 6 (see attached map) is identified in the plan as 1ha multi purpose sports fields. 2/3 of this site was acquired from CP1 active open space with the remainder purchased for the Banora Point Community Centre.

Obviously, 2/3 of a ha is not adequate for 'multi purpose sportsfields'. Additionally, as the site is adjoining the proposed community facility, construction of an amenities building is unnecessary. Consequently, with consideration to the fact the area is adjoining the Community facility, it is recommended a skate/basketball facility and open 'green' area may be more appropriate.

Current works program Area 6:

Topsoil & Seeding	3000m <sup>3</sup> x \$46	\$138,000
		0
Irrigation	10,000m <sup>2</sup> x \$3.50	\$35,000
Amenities	1 x \$76,800	\$76,800
<b>Total</b>		<b>\$249,800</b>

Proposed amended works program area 6:

Plan Design		\$10,000
Landscaping		\$81,000
Skateboard/basketball facility		\$85,000
Seating and shade		\$33,000
<b>Total</b>		<b>\$209,000</b>

This leaves a balance of \$40,000 from Area 6.

### AREA 2 (RON WILKINSON FIELDS)

This area in conjunction with area 1 (Dave Burns Fields) cater for the active open space requirements of the majority of the DCP 3 area. Through the winter season this area is heavily utilised by South Tweed junior Rugby League Club and Banora Point Soccer Club, each with approximately 500 members. Conflict has arisen over the past two years as both clubs

## Reports from Director Environment & Community Services

continue to grow. Through the winter season, the limitations placed on ground usage due to lack of light (dark by 5-5.30pm) has been the major cause of this conflict. Additionally, Banora point Soccer Club is unable to field teams over under 13 as over this age, they are required to play midweek games under lights.

Current Works program area 2:

Topsoil & Seeding		
Irrigation		
Amenities	1 x \$76,800	\$76,800
<b>Total</b>		<b>\$76,800</b>

**Recommended transfer of \$40,000 from area 6 to area 2.**

Proposed amended works program area 2

Topsoil & Seeding		
Irrigation		
Amenities	1 x \$76,800	\$76,800
Lighting		\$40,000
<b>Total</b>		<b>\$116,800</b>

### AREA 1 (DAVE BURNS FIELD):

This area is receiving increasing usage with the expansion of Sth Tweed Junior and Senior Rugby Leagues Clubs, Colts Cricket Club and Touch football. For this field to continue to accommodate the increasing usage, irrigation is required.

Current works program Area 1:

South Tweed Rugby Leagues club (existing) \$150,000 (sports fields, amenities block etc acquired 12/94) - Completed		
Access road and carpark (.94ha)	(6,000m2) (to be embellished and dedicated)	\$252,000
<b>Total</b>		<b>\$252,000</b>

Council has resolved to spend \$80,000 on carpark upgrade.

Recommended amended Area 1 works program:

Seal carpark	\$80,000
Irrigation	\$40,000
Access	\$132,000
<b>Total</b>	<b>\$252,000</b>

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## Reports from Director Environment & Community Services

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This will provide for sealing of the carpark, irrigation and allow for provision of future access to the field off Leisure Drive.

The current balance of Contribution Plan No 1 Active Open Space is \$520,312.95

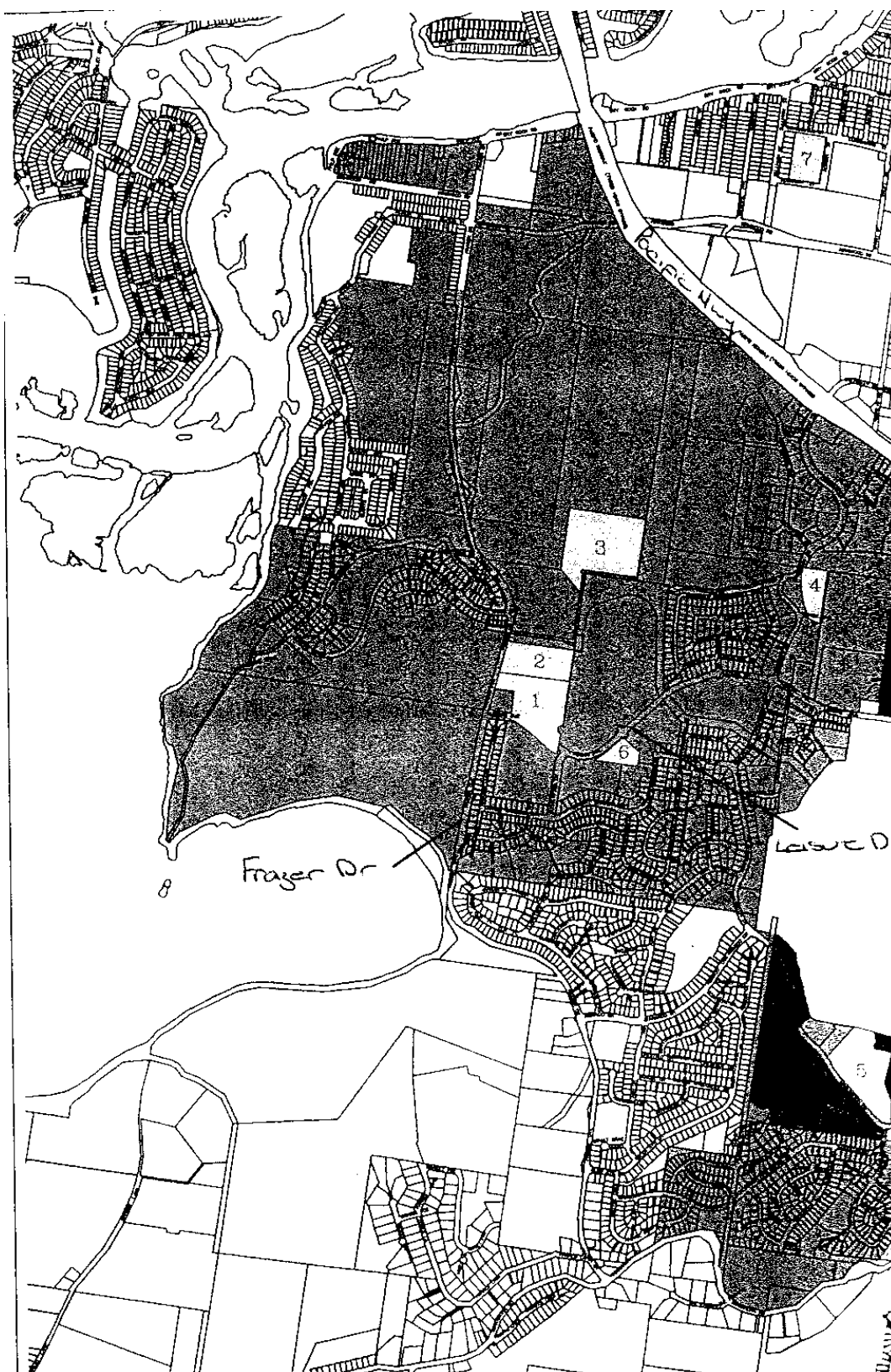
Pending the above adjustments to Contribution Plan No 1 Active Open Space, it is recommended Council vote the expenditure of :

- \$40,000 for lighting at area 2 (Ron Wilkinson Fields)
- \$40,000 for irrigation at area 1 (Dave Burns Fields)

Additionally, as the design brief for the Banora Point Community Centre is currently being prepared, it is logical to incorporate the design of the adjoining skatepark/basketball facility and open green area into the design and construction phase. Therefore, it is also recommended that Council vote the expenditure of :

- \$10,000 for the design phase of a skatepark/basketball facility, open green area and associated landscaping and facilities at area 6.

# Reports from Director Environment & Community Services



## Reports from Director Environment & Community Services

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### 41. ORIGIN: General Manager

**FILE REF:** GP1/16 Pt2

#### REPORT TITLE:

**Single Coastal Reserve**

#### SUMMARY OF REPORT:

In 1997, the Department of Land & Water Conservation produced a management plan for a Single Coastal Reserve on the Tweed Coast. A Reserve Trust has been created for this land of which Council has been appointed to manage as of the Government Gazette dated 7 November 1997. At its meeting held 6 August 1997 Council resolved to “*1c. The Acceptance will be for a period of two years by which time the position will be reviewed by Council.*” The two year period elapsed on 7 November 1999. Subsequently, Councils position relating to the future of the Single Coastal Reserve requires review.

#### RECOMMENDATION:

That Council advises the Department of Land and Water Conservation that it is prepared to continue to act as Corporate Manager of the reserve subject to the following conditions;

1. This acceptance be for a period of two (2) years.
2. No additional infrastructure and/or funds are required to be applied to the SCR within this period.
3. Within this period, and as soon as practicable, Council and Department of Land and Water Conservation staff review the draft Plan of Management to identify commercial development opportunities.
4. Council and Department of Land and Water Conservation undertake the commission of a coastal processes report for the whole Single Coast Reserve as a matter of urgency, with funding being provided on a dollar for dollar basis.
5. Council and Department of Land and Water Conservation meet to consider the merit and resource requirements of initiating action to clarify/determine National Native Title and State Aboriginal Land Claim implications over the Single Coast Reserve..

## Reports from Director Environment & Community Services

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### REPORT:

#### BACKGROUND:

In 1997, the Department of Land and Water Conservation produced a management plan for a Single Coastal Reserve on the Tweed Coast. The rationale behind the creation of the Reserve as identified by DLWC are:

- to effectively manage coastal Crown lands through one single authority, namely a Reserves Trust.
- to enable funds generated by the Reserves Trust to be applied to coastal management on a priority basis as determined by the trust, through a business plan which is submitted annually
- to enable a direct relationship to be established to council's strategic coastal planning initiatives
- to assist Council in co-ordinating a committee to execute its responsibilities in coastal management in conformity with the former Department of Public Works "Coastline Management Manual".
- to enable preparation of a management plan to co-ordinate recreation opportunities, provision of amenities and management of natural resources in a sustainable manner.
- to enable community input in coastal use management

To create this Reserve, a number of Reserves were revoked to form Reserve 1001008 for the purpose of public recreation and Coastal Environment as indicated by Figure 2.

A Reserve Trust has been created for this land of which Council has been appointed to manage as of the Government gazette dated 7 November, 1997. This resulted from a Council resolution dated 6 August 1997:

*"...that Council:-*

- 1. a. Advises the department of Land and Water Conservation of acceptance of transfer of the Single Coastal Reserve including the newly added Reserves adjacent to the Round Mountain Sportsfields and between Hastings Point and Pottsville.*
- b. Will initiate negotiations with the State Government to provide funding support for a program of maintenance, environmental rehabilitation, coastal rehabilitation and capital works. Indicatively, commitment should be given by State Government to \$1M over the next 5 years.*

*The acceptance will be for a period of two years by which time the position will be reviewed by Council. If Council has not received suitable funding arrangements through the State Government at that review, Council has the option of relinquishing management and control of the Single Coastal Reserve.*



## Reports from Director Environment & Community Services

2. *Supports the exhibition of the draft plan of management for the Single Coastal Reserve as prepared by the Department of Land and Water Conservation.*
3. *Makes a submission to the Department of Land and Water Conservation and the Minister for the establishment of a Coastline Management Committee relating to the whole reserve and seek expressions of interest from the community for representation on this committee."*

As per item 1c of the resolution, the two year period elapsed 7 November, 1999. Subsequently, Councils position relating to the future of the Single Coastal Reserves requires review.

### **FUNDING:**

Negotiations between Council and the Department of Land and Water Conservation (DLWC) indicate that the commitment by the State Government as per item 1b of the above resolution to \$1M over 5 years will not be forthcoming. However, DLWC and Council have identified some opportunities for generating the required funds for maintenance and capital works.

To this end, Lot 490 in DP 47021 being 24.45 hectares of former vacant Crown land fronting the Tweed Coast Road and the southern bank of Cudgen Creek immediately south of Kingscliff (formerly acquired by the Tourism Commission NSW in 1990 and known as the 'Tourism Commission site') was gazetted as a 'Reserve for Tourism Facilities and services' on 20 November 1998 and placed under the control of the Tweed Coast Holiday Parks Reserve Trust. The addition of this site to the Trust offers significant income producing potential.

Additionally, DLWC proposed the Tweed Coast Reserve be expanded to include:

- all the submerged Crown land comprising the bed of the Tweed River up to the tidal limit (Brays Park Weir at Murwillumbah);
- all the submerged Crown land comprising the bed of Cudgen, Cudgera and Mooball coastal estuaries, and;
- all contiguous foreshore areas of crown land.

DLWC believe this proposal may provide the opportunity of resource funding and redirect funding toward the management of the Shires coast and estuaries (DLWC letter dated 24 August attached). However, request for further clarity of this proposal highlighted the fact that these proposed funds have no guarantee of permanency and there is already an identified need for much of these funds (DLWC letter date 9 November attached).

### **COASTAL PROCESSES STUDY.**

An integral component of the planning for the Single Coastal Reserve is the completion of a Coastal Processes Study. This study will identify the potential future hazards on the coast, the limitations these may impose on potential development and capital works that may be required to address these hazards.

## Reports from Director Environment & Community Services

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DLWC has estimated this report will cost approx \$100,000 and advised that it is eligible for \$ for \$ funding. Council adopted a recommendation from its Coastal Committee on 15 December 1999 that it endeavor to fund the study in the coming or current year budget . Funds of \$30,500 are currently available in waterways program reserves and the current budget . The importance of the study requires the undertaking of a review of the current budget and the 2000/2001 budget with a view to identifying the additional funds.

The Coastal Processes Report is necessary in determining which sites within the Reserve can be developed and consequent upon that the likely financial contribution to reserve maintenance.

### **NATIVE TITLE**

The issues of National Native Title (NNT) and State Aboriginal Land Claim (SALC) need clarification prior to offering any of the Single Coastal Reserve for commercial development.

### **CONCLUSION**

It would appear desirable for Council to assume management of the Single Coastal Reserve. However, issues relating to identifying commercial opportunities within the Reserve, producing a Coastal Processes Study, formalising the cost involved in maintenance and capital works required within the Reserve and Native Title first need to be determined.

Therefore, it is recommended

That Council advises the Department of Land and Water Conservation that it is prepared to continue to act as Corporate Manager of the reserve subject to the following conditions;

1. This acceptance be for a period of two (2) years.
2. No additional infrastructure and/or funds are required to be applied to the SCR within this period.
3. Within this period, and as soon as practicable, Council and Department of Land and Water Conservation staff review the draft Plan of Management to identify commercial development opportunities.
4. Council and Department of Land and Water Conservation undertake the commission of a coastal processes report for the whole Single Coast Reserve as a matter of urgency, with funding being provided on a dollar for dollar basis.
5. Council and Department of Land and Water Conservation meet to consider the merit and resource requirements of initiating action to clarify/determine National Native Title and State Aboriginal Land Claim implications over the Single Coast Reserve..

In making these recommendations Council staff believe it is appropriate for Council to undertake this role provided some protection's are in place to mitigate against unreasonable community / statutory demands. In this vein establishing a funding source to allow the gradual

## Reports from Director Environment & Community Services

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improvement of the reserve is of fundamental importance, hence the need for conducting a joint review of the draft Plan of Management as further commercial opportunities have emerged since the original report was prepared

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## Reports from Director Environment & Community Services

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**42. ORIGIN:** Environment & Health Services Unit

**FILE REF:** Airport Coolangatta/Tweed Noise Issues

**REPORT TITLE:**

**Air Navigation (Coolangatta Airport Curfew) Regulation 1999**

**SUMMARY OF REPORT:**

The above Regulation came into force on 15 December 1999. Basically it imposes a curfew on the use of the airport between 11.00pm and 6.00am with the exception of 24 movements per year. Also allowance is made for 4 weekly freight jet movements and smaller aircraft plus emergency situations.

**RECOMMENDATION:**

That this report be received and noted.

## Reports from Director Environment & Community Services

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### REPORT:

Council is advised that as of 15 December 1999 the Air Navigation (Coolangatta Airport Curfew) Regulations 1999 was gazetted.

The object of these Regulations is to minimise the impact of aircraft noise on the community surrounding Coolangatta Airport through the imposition of a curfew and related restrictions on certain aircraft movement at the airport between 11.00pm and 6.00am.

The Regulation, however, does allow 24 domestic passenger jet aircraft movements each year during the curfew period if a permit has been granted for such movement. As well, the Regulation allows 4 freight jet aircraft movements each week during curfew periods with a permit.

Further jet aircraft with a take-off weight that does not exceed 34000kg and complying with the noise standards and propeller-driven aircraft with a similar take-off weight may land or depart during the curfew.

The Regulation also allows landing or take-offs during the curfew for aircraft either diverted to Coolangatta Airport or involved in an emergency.

The above is submitted for Council's information.

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**Dr J Griffin**  
General Manager



# Reports from Sub-Committees

## 1. Minutes of the Aboriginal Advisory Committee Meeting held 25 October 1999

File No: GA10/5 3

**VENUE:**

Tweed Heads Civic Centre Meeting Room

**TIME:**

7PM

**PRESENT:**

Cr Max Boyd, Cr Barbara Carroll, Kelly Lena, Desrae Rotumah, Jackie McDonald, Franc Krasna.

**APOLOGIES:**

Sharen Smith.

**MINUTES OF PREVIOUS MEETING:**

**Moved:** Kelly Lena

**Seconded:** Jackie McDonald

**RESOLVED** that the meeting held 27 September be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

### 1. Land Claims

There was further discussion on the Kombumerri Native Title Land Claims and who the claimants had spoken with from the Bundjalung people. Desrae Rotumah agreed to approach Tweed-Byron Land Council to clarify with the Bundjalung Elders Council

**Recommendation - That David Broyd be invited to attend the next Aboriginal Advisory Committee Meeting to bring the Committee up to date regarding this issue.**

### 2. Reconciliation Statement

Was not acknowledged at the last Council meeting. Matter deferred till next meeting.

## Reports from Sub-Committees

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### 3. Border Monument Committee

Letter was sent to Gold Coast City Council regarding Jackie McDonald's nomination from the Aboriginal Advisory Committee to be included on the Border Monument Committee.

### 4. Committee

The continuation of this Committee was passed by the new Council.

### 5. Minutes of 27 August, 1999

These minutes were accepted as being a true and accurate record of that meeting.

**MOVED: Kelly Lena**

**SECONDED: Jackie McDonald**

### GENERAL BUSINESS:

### 6. Local Government Aboriginal Network Conference Sydney October 1999

**GA10/5**

Sharen Smith did not attend this conference due to illness. Concerns were raised that the Local Government Aboriginal Network Unit was closed by the new Minister Harry Woods. It was believed this unit was referred to the Department of Aboriginal Affairs.

### RECOMMENDATION:

That Council seek from Minister for Local Government and Regional Development, The Honourable Harry Woods an explanation as to why the Local Government Aboriginal Network Unit was closed.

### 7. Gold Coast-Tweed Branch Reconciliation Committee Letter

A letter of appreciation and thanks was sent to David Martain from the above committee for the outstanding services he provided on the day of the Reconciliation Seminar.



## Reports from Sub-Committees

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### 8. Council/Community Meeting

Ten Councillors agreed to the proposed meeting with the community at Minjungbal. Request that Sharen Smith arrange a suitable day for the Councillors and members and co-ordinate the day.

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### 9. Ducat Street Respite Centre

Discussion took place on the Respite Centre.

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**NEXT MEETING: 22 NOVEMBER 1999**

The meeting closed at 9.02

***Director's Comments:***

Item 1. Arrangements for Mr Broyd to attend a meeting will be made direct with Mr Broyd.

Item 2. The reconciliation statement was dealt with by Council on 3 November, 1999.

Item 6. That Council seek from Minister for Local Government and Regional Development, The Honourable Harry Woods an explanation as to why the Local Government Aboriginal Network Unit was closed.

## Reports from Sub-Committees

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### 2. Minutes of the Local Traffic Committee Meeting held 16 December 1999

GT2/1 Pt3 451

**VENUE:**

Oxley Room

**TIME:**

Commencing at 9.00am.

**PRESENT:**

**Committee Members:** Cr George Davidson; Tweed Shire Council; Lance Vickery, Roads and Traffic Authority; Andrew Lawler, NSW Police; Mr Neville Newell, MP, Member for Tweed,.

**Informal:** Chairman: Mr Paul Morgan, Mr Ray Clark and Judith Finch Tweed Shire Council.

**APOLOGIES:**

Mr Don Page MP, Member for Ballina.

**MINUTES OF PREVIOUS MEETING:**

**RESOLVED** that the Minutes of the Local Traffic Committee Meeting held 19 November 1999 were tabled at the meeting and accepted by the Committee as a true and accurate record of the proceedings. However, it was noted that the meeting held on the 19 November should have been reported as finishing at 11:55am, not 11:55pm.

GT2/1 Pt3 451

**BUSINESS ARISING:**

### 2. Pacific Highway, Banora Point

R4031 Pt11

From meeting held 19 November 1999 (item 2).

*“There is a serious lack of any pedestrian facilities on the four lane 80kph section of Pacific Highway from Laura Street to Barneys Point Bridge.*

*Despite recent RTA re-design, there are no footpaths, pedestrian crossings or traffic separation barriers provided in this urban corridor. Pedestrians and cyclists are exposed to significant dangers when forced to cross the highway to reach bus stops, or when obliged to use the road shoulders to travel between the footpaths in Minjungbal Drive and the pedestrian footways provided on Barneys Point Bridge. This danger is compounded by narrow shoulders often with poor visibility sight-lines.*

## Reports from Sub-Committees

*It is requested that the RTA devise measures to address deficiencies in pedestrian and cyclist safety on the Pacific Highway Banora Point.*

*The Road Safety Officer reported that the problem is because there are two bus shelters on either side of the road and people living in West Banora Point that are dropped off on the Laura Street side cannot cross the road safely. There is also a school on the western side of the road and a lot of the students come from East Banora and they have to walk under the underpass, which considerably increases the journey length.*

*The possibility of moving the guardrail was raised as well as an overhead east/west walkway. The RTA Representative stated that they have no plans for such a walkway. It was noted that the bus stops are on the crest of a hill with an 80kph speed zone and 4 lanes of traffic. The RTA Representative stated that it would be best to move the bus shelters completely. The possibility of a cycleway footway in the long term was discussed but it was noted that this was long term as wetlands have to be utilised. Black Spot Funding was suggested as a possibility for the location, which would be applied for by the RTA. The RTA Representative suggested that Council formally contact the RTA Grafton office for consideration of funding and acknowledged that this location was not pedestrian friendly. In the meantime the RTA Representative stated that the guard rail could be moved but 0.5m must be maintained between the edge line and face of guard rail, however they would have a significant cost.*

*The RTA stated that a plan of where people move, what the movements are and a suggestion of what can be done to accommodate pedestrian needs to be drafted and submitted to the RTA at Grafton.*

*The Road Safety Officer undertook to bring some ideas to the next meeting and it was decided that in the meantime details be forwarded to the RTA at Grafton.*

*For Council's information and further discussion at the next Local Traffic Committee meeting."*

The Chairman stated that for the next Local Traffic Committee meeting a sketch will be provided of what may be done to assist the situation.

For Council's information.

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### 6. Wharf Street and Florence Street, Tweed Heads

**R5901**

Item from meeting held 19 November 1999 (item 6).

*"Request received for the frequency of the green right turn arrow for southbound traffic at the intersection of Wharf Street and Florence Street to be increased after 7:00pm. It is reported that there does seem to be an unnecessarily long period between signals to allow*

## Reports from Sub-Committees

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*south facing traffic to turn right. There may be a similar problem for north facing traffic, which should be assessed.*

*This was referred to the RTA for further investigation and discussion at the next Local Traffic Committee meeting.*

*For Council's information."*

The RTA Representative stated that it is possible to allow 'filtering' at that site for the right hand turn. This can be adjusted to allow vehicles to turn at night without waiting for green turn arrows. The RTA Representative undertook to ensure that this would be attended to.

For Council's information.

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### 10. Wharf Street, Tweed Heads

**R5901**

Item from meeting held 19 November 1999 (item 10).

*"Request received for an improved footpath from Wharf Street to Griffith Street at the location of the new roundabout and the roadway to the Twin Towns Resort. It is claimed that the current footpath provides no protection from the traffic.*

*The RTA Representative stated that on looking at the location it looks like it is the ramp to the Twin Towns Resort. It was noted that the pedestrians may have to walk a bit further and the only traffic using the driveway is to the Twin Towns Tower therefore pedestrians should have right of way. The Road Safety Officer reported that on viewing the location it does give the impression that drivers have right of way. The Road Safety Officer reported that it is a busy place for pedestrians yet not many vehicles seem to be using the ramp and queried if a pedestrian crossing could be placed there. The RTA Representative stated that the warrants would not be met for a pedestrian crossing. A speed bump was also considered as a possible solution.*

*It was referred to the Planning & Design Unit for further investigation and re-addressing at the next Local Traffic Committee meeting.*

*For Council's information."*

The Chairman reported that a meeting had been held on site to provide another pedestrian path across the entranceway to the Twin Towns Resort, with a set of low rise stairs about 5m up the ramp. It was noted that wheelchair access would not be affected as the route around the front would also be available.

For Council's information.

## Reports from Sub-Committees

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### GENERAL BUSINESS:

#### 1. Cane Road and Racecourse Road, Murwillumbah

**R0940**

Request received for the installation of a 60 or 80kph speed zone at the intersection of Cane and Racecourse Roads. Council has already approved warning signs and a crossing and a request has now been received for a reduction in the speed zone to help minimise the danger to students and horses who regularly use the crossing for access to the Murwillumbah Racecourse.

Gary Newman and Debbie Suter addressed the Committee. Mr Newman advised the Committee that the speed that traffic travels on the road was horrific (and believed to be approximately 120kph). He said that it is frightening to see students with horses moving across the road and safety is a major concern. It was noted that the horses and students go across Cane Road from 6.00am to 10.30am (46 horses) and after the new year it was reported that junior students will also be working with the horses. It was reported that the hours for juniors crossing could possibly go into the afternoon.

It was noted that the horses are led to and from the track (and not ridden) and that warning signs are in place.

Speed counts on Cane Road have not been collected. The RTA Representative stated that it would be appropriate to get speed and traffic counts to see if there is a more effective way of handling the problem. The Chairman stated that this would be handled during the middle of January as resources are presently being used elsewhere.

The question of the fence line possibly being moved and road reserve used to allow the horses to get off the road quicker was undertaken to be followed up by the Chairman.

The item be deferred to the next meeting until traffic and speed counts are taken.

For Council's information.

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#### 2. Enid Street, Tweed Heads

**R1910**

It has been reported that buses are still using Enid Street for access to the Transit Centre. It is claimed that there is no Highway Patrol for residents to contact at 2.00am when this occurs. A suggestion from the Local Traffic Committee is sought on how this problem can be managed in future.

It was noted that this has been dealt with before. The Chairman reported that this is tied in with the Plan of Management for the operation of the Transit Centre. The Police

## Reports from Sub-Committees

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Representative stated that Police are in operation 24 hours a day at Tweed Heads and requested that people report these matters in a timely fashion. If Police cannot respond immediately, the number plate and offending company should be recorded and provided to Police and Council.

It was noted that Council can also take up complaints with the bus companies under the terms of the Management Plan.

For Council's information.

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### 3. Ewing Street, Murwillumbah

**R1970**

Request received to limit parking near the hospital shop on Ewing Street to something like 20 minutes between the hours of 8.30 am to 5.00pm.

The Chairman reported that the Road Safety Officer has had a meeting with the shop owner and that they were willing to pay for the signs limiting parking for 2 or 3 vehicles for 15 minutes. The Police Representative advised that Gary Anderson would be able to visit the location for enforcement.

#### RECOMMENDATION:

That:-

1. Two quarter hour time limited car spaces be provided immediately adjacent to the shop in Ewing Street.
  2. The signs should be limited to 8:30am to 5:00pm daily.
  3. The offer to pay for the cost of the signs by the owner of the shop be accepted.
- 

### 4. Short Street, Banora Point

**R5038**

Request received for a "No Right Turn" from Short Street Banora Point onto the Pacific Highway at Sextons Hill.

The RTA Representative noted that the issue of turns to and from Short Street has been topical and is a problem. It was noted that it would be safer for drivers to use the traffic lights.

The Road Safety Officer undertook to contact Surfside Buslines regarding "No Right Turn" being instigated at the intersection of Short Street onto the Pacific Highway at Sextons Hill.

## Reports from Sub-Committees

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### RECOMMENDATION:

That a "No Right Turn" from Short Street to the Pacific Highway be implemented.

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### 5. Bawden Street and Fawcett Street, Tumbulgum

**R0460 & R2030**

Request received for "Give Way" or "Stop" signs on either of Bawden Street or Fawcett Street, Tumbulgum. This is a four way intersection and has been discussed with the Tumbulgum Primary School Principal.

The Chairman reported that this is a cross roads and neither street has priority. The RTA Representative recommended that a "Give Way" sign on Bawden Street would best suit the intersection.

### RECOMMENDATION:

That "Give Way" signs be installed on Bawden Street at Fawcett Street.

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### 6. The Anchorage Islands, Tweed Heads

**R2635**

Request received for:

1. "No Fishing" signs and a "No Alcohol Zone" on the bridge leading into The Anchorage.
2. Completion of line marking on Island Drive since its re-surfacing.

The Chairman reported that the line marking had not been attended to immediately as the road after resurfacing must be monitored before line marking.

It was decided that the above issues are Council issues and that the applicant should be advised that:

1. The "No Fishing Signs" were discussed and it the this issue referred to the Manager of Works.
2. The Alcohol issues be referred to Manager Recreation Services.
3. The Manager of Works be contacted to ensure that the linemarking is completed as soon as possible.

For Council's information.

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## Reports from Sub-Committees

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### 7. Minjungbal Drive, South Tweed Heads

**R3454**

Request received for an additional access driveway to Tara Video and Cheapa Autos from Minjungbal Drive, south of the Machinery Drive intersection

Plans of the area were viewed by the Committee. It was noted that an “in only” driveway would claim two car parking spaces. It was noted that a 3 year time limit on implementation could be applied. The RTA Representative stated that the applicant should bear the cost of the work and change to infrastructure.

Mr Edwall Richards (Coolangatta Tweed Golf Club) and Paul Ousey from Cheapa Autos and Mark Shephard (Coolangatta Tweed Golf Club) addressed the meeting.

Paul Ousey informed the meeting that when accessing the car park from Machinery Drive it may look like the larger car park is full. He stated that they are losing business because of this and proposed that an alternative entry from Minjungbal Drive, which would be “in only” be constructed. This would also improve business for Movies for U. A photograph of the area was viewed by the Committee. Mr Ousey stated that he believed that they are the only business in the area that does not have access from the main road. Mr Richards stated that from the Golf Club point of view they were supportive of the application as their tenants are struggling from lost business. Mr Richards stated that he believed that getting out of the car park would not be a problem.

The RTA Representative stated that because there is no certainty with the format of Minjungbal Drive in relation to configuration, a review time limit should be a condition on the application and that appropriate signage be installed for “in only”, “no exit” and directions on how to exit.

The Chairman stated that a review time limit would be put on the application and that the Committee would advise the planners that there is no objection from the Local Traffic Committee. The Chairman suggested that Mr Shepherd contact the Planners with regard to getting the application modified through the formal process applicable.

Mr Ousey thanked the Chairman for his effort put in on the application.

For Council’s information.

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### 8. Amber Road, Tweed Heads South

**R120**

Request received for removal of the chicane on the one way section heading northbound. This item has previously been discussed at the request of the RTA to enable traffic from Machinery Drive to redistribute on to Blundell Boulevard, making more efficient use of the traffic signals at Blundell Boulevard.



## Reports from Sub-Committees

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The Chairman reported that removal of the chicane would help traffic on Machinery Drive exit via Blundell Boulevard and Minjungbal Drive. The meeting noted that vehicle volumes should only increase during the day time period. The RTA Representative supported removal of the chicane to better manage traffic volumes in the industrial area. The meeting noted that the one way system would still prevail as there is not enough road width for two way traffic.

### RECOMMENDATION:

That the chicane on the one way section of the northbound section of Amber Road be removed.

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### 9. Rivendell Traffic Signals

**R4697**

Request that U turns be permitted for traffic heading south wanting to turn and go back in a northerly direction. Prior to the traffic lights being installed many drivers made "U" turns at this location because of its good sight distance and wide road pavement. Under the new Australian Road Rules "U" turns can be permitted in NSW at traffic signals, subject to RTA approval.

The RTA Representative stated that the RTA does not support "U" turns at signals and that there is no intention at this stage for NSW to adopt this as a practice, even though "U" turns are provided under the Australian Road Rules. Also, at Rivendell, because of the phasing arrangement, there are traffic conflicts if a "U" turn is permitted with left turn vehicles out of Rivendell. The RTA Representative stated that 'No U turn' signs should be installed at all traffic signals in Tweed Shire.

The RTA Representative stated that the signals are ready to be used but they will not be turned on until after the new year break, that is on or about the 4 January 2000.

For Council's information.

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### 10. Burringbar Public School, Main Street, Burringbar

**PF0780/380 & R0780**

Request received for a disabled car space at the western end of the current bus zone. A disabled student will be attending the school next year.

The Chairman reported that a disabled child will be attending the school next year and dropped off and picked up by car. The Committee discussed the need for footpaving and other infrastructure for disabled students and that it should be supplied by the school.

## Reports from Sub-Committees

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### RECOMMENDATION:

That:-

- 1 A disabled parking space be installed adjacent to the bus zone at Burringbar Public School.
  2. All other required infrastructure should be supplied by the Burringbar Public School.
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## Part B

### 1. Kings Beach Development Application Stage 4

**DA1180/385 Pt2**

In accordance with the mandatory provisions of SEPP11 Local Traffic Committee approval is sought regarding the above development application. This relates to a 97 lot residential subdivision of Lot 2 DP 811425 Coast Road, Kingscliff.

The Chairman reported that last meeting dealt with Stages 1 and 2. This application represents extensions of the subdivision heading north and the committee viewed the plans.

Darryl Anderson addressed the meeting and showed the Committee the Master Plan for Kings Beach and advised that the first stage is nearly finished. Darryl advised the meeting that there have to be around 450 car parks for public use and it does encourage cycle and pedestrian usage. Sufficient road reserve to enable an additional two lanes for Coast Road has been factored in to the planning process.

Darryl Anderson left the meeting.

The Committee requested that any lot within the Kings Bach Development that has two road frontages should only be permitted to have vehicular access to the lower order street, i.e. not for the main spine road.

For Council's information.

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### 2. Kings Beach Development Application - Proposed Subdivision to Create a Road and Park at Lot 1971 DP 133919 Coast Road, Kingscliff

**DA3840/516 Pt1**

In accordance with the mandatory provisions of SEPP11 Local Traffic Committee approval is sought regarding the above proposed subdivision to create a road and park at Lot 1971 DP 133919 Coast Road, Kingscliff.

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## Reports from Sub-Committees

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Darryl Anderson advised the meeting that it was to open a section of road on the western side of Seaside City.

The RTA Representative expressed concern with the type of road and the fact that depending on its classification, lots should not have direct access to the proposed road. The meeting noted that it was difficult to endorse a road when firm plans have not been viewed, showing how the proposed road fits into the overall scheme.

The Committee does not feel that the application can be supported until the DCP is prepared showing the intended route of the connection road from the northern end of the site to Kingscliff and whether the subject road is part of this link. Therefore it is not considered appropriate to lock in the alignment on the eastern boundary of the proposed park at Lot 1971 DP 133919 until the above issues are clarified.

The Committee requests that they have input into the preparation of the draft DCP for the subject site and encourages this happening as soon as possible.

For Council's information.

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### 3. Kings Beach Development Application Stage 3

**DA1180/382 Pt2**

In accordance with mandatory provisions of SEPP11 Local Traffic Committee approval is sought regarding the above development application of the creation of an 82 lot residential subdivision.

The plans were viewed by the Committee.

The Committee noted that Lots 1 to 52 do not appear to have access to the external road network, which needs to be clarified. If it is planned to use the downgraded section of the existing Coast Road, a detailed plan showing intended intersection upgrading should be submitted.

No other significant issues were identified.

For Council's information.

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### 4. Proposed Additions to Kingscliff Shopping Centre

**DA4170/100 Pt1**

In accordance with mandatory provisions of SEPP11 Local Traffic Committee approval is sought regarding a development application for additions to the Kingscliff Shopping Centre incorporating an additional 3700 square metres of retail area and two fast food outlets adjacent to the existing service station.

## Reports from Sub-Committees

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The Committee recommended that the following be considered:

1. Truncation on corner Pearl Street/Turnock Street for future road widening.
2. Protected right turn lane into eastern driveway in Turnock Street.
3. No right turn from Turnock Street into western driveway.
4. Details on how deliveries are made to the six specialty shops without disrupting traffic flow, especially on main access road.
5. Bike racks 1 - 3 conflict with Taxi and Disabled spaces.

For Council's information.

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### 5. Additions to an Existing Boat Manufacturing Business at Lot 1 DP 612314 Pacific Highway, Chinderah

**DA4040/1660 Pt1**

In accordance with mandatory provisions of SEPP11 Local Traffic Committee approval is sought regarding a development application for additions to an existing boat manufacturing business at Lot 1 DP 612314 Pacific Highway, Chinderah. This application has been separately referred to the Roads and Traffic Authority.

The Committee viewed plans and noted that the manufacturing business is expanding. The RTA Representative stated that the issue was safe access to the location for employees and the height difference between the north and southbound carriageways prevented safe right turn provisions being made. It was noted that right turns need to be controlled on the Pacific Highway.

The meeting noted that 120 vehicles per day could be generated. North of Cudgen Road it was noted that there were spots where turnarounds could be allowed and maybe some form of "U" turn facility could be provided.

The meeting noted that more than a simple left turn treatment into the site was required which could include larger vehicles delivering materials.

Access issues need to be resolved in consultation with the RTA and the applicant prior to consent being issued. The RTA will approach Council in this instance and arrange a site visit to resolve these issues.

For Council's information.

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### NEXT MEETING:

Dates for Local Traffic Committee Meetings for next year were proposed as follows:

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## Reports from Sub-Committees

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Thursday 3 February 2000

Thursday 16 March 2000

Thursday 27 April 2000

Friday 19 May 2000

Friday 16 June 2000

Friday 14 July 2000

Thursday 17 August 2000

Friday 22 September 2000

Friday 20 October 2000

Friday 17 November 2000

Thursday 14 December 2000

The meeting closed at 12.10pm

*Director's comments: NIL*

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## Reports from Sub-Committees

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### 3. Minutes of the Communications Committee Meeting Held 16 December 1999

**File No: Communications Committee**

**VENUE:**

Oxley Meeting Room

**TIME:**

2.30pm

**PRESENT:**

Crs Marshall and Luff; General Manager (Dr J Griffin), Director Corporate Services (I Carpenter) and Civic Liaison Officer (M Smith),

**Community Members:** Mr Ray Carlile and Ms Jude Robb,

Cr Marshall was elected temporary chairman in Cr Carroll's absence.

**APOLOGIES:**

Cr Carroll, Cr Davidson

**MINUTES OF PREVIOUS MEETING:**

**Moved:** I Carpenter

**Seconded:** M Smith

**RESOLVED** that the meeting held 24 November 1999 be accepted as a true and accurate record of the proceedings of that meeting.

**BUSINESS ARISING:**

#### 1. Community Representatives

#### Communications Committee

New members Ms Jude Robb and Mr Ray Carlile were welcomed to the Committee.

Civic Liaison Officer Marilyn Smith tabled a letter to the editor from an unsuccessful candidate Mr Bob Dow plus the correspondence to the unsuccessful candidates and her letter to the editor in reply to Mr Dow's letter.

I. Carpenter advised that a resolution from the committee to the full Council regarding the appointment of community members had not been acted on by Council and therefore should be included in the minutes of this meeting.

**RECOMMENDATION:**

That the Community representatives, Ms Jude Robb and Mr Ray Carlile be appointed to the Communications Committee.

## Reports from Sub-Committees

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### AGENDA ITEMS:

#### 2. Community Access

#### Communications Committee

It was reported to the meeting that previous discussions on community access had resulted in:-

- a) afternoon tea being served for a trial period in a room adjoining the council chambers
- b) that Council, at a workshop held 24 November 1999, had agreed to some restrictions of extra time for community access speakers.

The meeting reviewed the draft amended Community Access Procedures and recommended some variations for adoption by Council.

### RECOMMENDATION:

That the revised procedures for Community Access be adopted by Council at the meeting of 19 January 2000.

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#### 3. Weekly Communications Model Review

#### Tweed Link

Dr Griffin reported Tweed Link expressions of interest/submissions would be presented to the January meeting of Council. Community members reported their strong support for this method of communicating with shire residents. M Smith conducted some preliminary discussions on revamping the Link in 2000.

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#### 4. Annual Report to the Community

#### Annual Report

Annual Report was reviewed by the committee and a letter from the Tweed River Art Gallery Advisory Committee criticising the less expensive annual report for its lack of information on cultural activities was read to the meeting. The letter called on Council to reach a compromise financial position to restore the standing of the Annual Report. M Smith reported most verbal feedback had been positive in replacing the glossy annual report with a larger version of the Tweed Link to flag the presence of a more comprehensive annual report available in Tweed libraries.

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## Reports from Sub-Committees

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### GENERAL BUSINESS:

#### 5. Communications from Council

The committee discussed various items of literature coming from Council.

The committee expressed the view that every item of literature represented Council and every effort should be made to ensure it carried the correct impression and was presented in an accurate form.

**Moved:** Cr B Luff

**Seconded:** J Robb

**RESOLVED** that M Smith conduct a survey of Council departments to ascertain what proofreading protocols of letters, circulars etc were already in place.

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#### 6. Community Members Role

I Carpenter in response to a question set out what he considered the role of committee community members:-

- Monitor the effectiveness of the Communications Policy
  - Review the application of the information and consultation element.
  - Explore options to improve the overall effectiveness of public communications and community relations.
  - Encourage community participation as detailed in the Policy's principles and boundaries.
  - Provide the environment for elected representatives, community and officers to explore the application of technology and other mechanisms to improve and strengthen Council's communications strategies.
- 

#### 7. Plain English Policy

A brief discussion was held on the application of Plain English to outwards Council correspondence and concern that some letters left the reader unsure of the message intent.

**Decision:** that this item be listed for the next meeting agenda.

### NEXT MEETING:

The next meeting of the Communications Committee will be held Wednesday, 9 February 2000.

There being no further business the meeting closed at 4.30pm.

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## Reports from Sub-Committees

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***Director's Comment:***

*Item 1 - Community Representatives - Recommendation supported.*

*Item 2 - Community Access - Report to Council meeting of 16 February 2000.*

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## Reports from Sub-Committees

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### MINUTES CIRCULATED TO COUNCILLORS WITH THIS AGENDA NOT REQUIRING A COUNCIL DECISION

4. **Minutes of Coolangatta Airport Noise Abatement Consultative (ANACC) Meeting held 4 November 1999**
  5. **Minutes of the Tweed Shire Council Access Committee Meeting held 18 November 1999**
  6. **Minutes of the Strategic Planning Committee Meeting held Monday 13 December 1999**
  7. **Minutes of the Community Advisory Committee Meeting held 16 December 1999**
  8. **Minutes of the Murwillumbah Centre Design Committee Special Meeting held Thursday 16 December 1999**
  9. **Minutes of Water & Wastewater Infrastructure Steering Committee Meeting held 23 December 1999**
  - 9a. **Minutes of Water and Wastewater Infrastructure Steering Committee Meeting and Kingscliff Wastewater Augmentation**
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# Orders of the Day

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## 1. Notice of Motion - Cr Marshall

### Councillor Blazers and Name Badges

**Uniforms**

*That a report be brought forward at the next meeting of Council regarding the status of the purchase and supply of:*

- New blazers*
  - Name badges.*
- 

## 2. Notice of Motion - Cr Marshall

### Multicap Facility - Murwillumbah

**DA2970/460 Pt1 Disabled**

*That a report be brought forward regarding the status of the Multicap respite facility project in Murwillumbah to include amongst other things:*

- Local fundraising activities and results to date*
  - Details of funds raised and funds available for the project*
  - How local fundraising activities integrate with local organisations fundraising*
  - Project definition*
  - Planned construction program*
  - Strategy for staffing the respite centre and administration of the centre*
  - Long term financial strategy for the operation of the respite centre.*
-

## Orders of the Day

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# Orders of the Day

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